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# Agriculture & Natural Resources Appropriations Subcommittee

March 18, 2014  
9:30 AM – 11:30 AM  
Reed Hall



**The Florida House of Representatives**  
**Appropriations Committee**  
**Agriculture & Natural Resources Appropriations Subcommittee**

**Will Weatherford**  
Speaker

**Ben Albritton**  
Chair

**AGENDA**  
March 18, 2014  
9:30 AM—11:30 AM  
Reed Hall (102 HOB)

- I. Call to Order/ Roll Call
- II. Chair's Budget Proposal for Fiscal Year 2014-15
- III. PCB ANRAS 14-02 Documentary Stamp Tax Distributions
- IV. CS/HB 601 Reclaimed Water by Ray
- V. HB 7051 Department of Agriculture & Consumer Services by La Rosa
- VI. Closing Remarks and Adjournment



**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** PCB ANRAS 14-02 Documentary Stamp Tax Distributions  
**SPONSOR(S):** Agriculture & Natural Resources Appropriations Subcommittee; Albritton  
**TIED BILLS:** IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Agriculture & Natural Resources Appropriations Subcommittee		Helping	Massengale <i>SM</i>

**SUMMARY ANALYSIS**

The bill amends statutes to conform to the funding decisions included in the House proposed General Appropriations Act for Fiscal Year 2014-2015.

The proposed House General Appropriations Act for Fiscal Year 2014-2015 authorizes the second \$50 million in Everglades Restoration bonds for the Florida Keys Wastewater Plan and provides \$4.3 million for debt service secured by a distribution from documentary stamp tax receipts.

Current law allows documentary stamp tax receipts that are dedicated for other uses to be available to pay debt service for bonds issued before January 1, 2013. The bill amends section 201.15, Florida Statutes, to extend this provision to bonds issued before January 1, 2015.

The effective date of the bill is July 1, 2015.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

In 2008,<sup>1</sup> the Legislature authorized an additional amount of Everglades Restoration bonds not to exceed \$200 million, and limited to \$50 million per fiscal year, specifically for the purpose of funding the Florida Keys Area of Critical State Concern protection program. Proceeds from the bonds were to be managed by the Department of Environmental Protection for the purpose of entering into financial assistance agreements with local governments located in the Florida Keys Area of Critical State Concern to finance or refinance the cost of constructing sewage collection, treatment, and disposal facilities.

In 2012, the Legislature authorized the issuance of the first \$50 million in Everglades Restoration bonds for the Keys Wastewater Plan<sup>2</sup> and appropriated \$4.8 million for debt service secured by a distribution from documentary stamp tax receipts that was dedicated for other uses.<sup>3</sup> The legislation also specified that the funds deposited into the Save Our Everglades Trust Fund would be used to implement the Keys Wastewater Plan.<sup>4</sup>

The proposed House General Appropriations Act for Fiscal Year 2014-2015 provides the second \$50 million in Everglades Restoration bonds for the Florida Keys Wastewater Plan and \$4.3 million for debt service.

Current law allows documentary stamp tax receipts that are dedicated for other uses to be available to pay debt service for bonds issued before January 1, 2013. The bill amends section 201.15, Florida Statutes, to extend this provision to bonds issued before January 1, 2015 to allow the issuance of additional bonds for the Keys Wastewater Plan.

#### B. SECTION DIRECTORY:

**Section 1.** Amends s. 201.15, F.S., requiring that documentary stamp tax revenues be available to pay debt service or other obligations relating to Everglades Restoration bonds authorized before January 1, 2015.

**Section 2.** Provides an effective date of July 1, 2014.

### II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

##### 1. Revenues:

The documentary stamp tax receipts used for debt service in the proposed House General Appropriations Act for Fiscal Year 2014-2015 for the Keys Wastewater Plan are diverted from revenues that would otherwise be deposited into the General Revenue Fund.

##### 2. Expenditures:

By extending the date allowing the use of documentary stamp tax receipts that are dedicated for other uses to be used to pay debt service, the proposed House General Appropriations Act for Fiscal Year 2014-2015 provides \$50 million in Everglades Restoration bonds and \$4.3 million for recurring debt service.

<sup>1</sup> Chapter 2008-49, L.O.F.

<sup>2</sup> *Keys Wastewater Plan*, Monroe County Engineering Division, November 2007

<sup>3</sup> Chapter 2012-145, L.O.F.

<sup>4</sup> Section 373.470, F.S.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

The authorization to issue bonds to fund the Keys Wastewater Plan as allowed by this bill provides additional revenues to assist in the implementation of the plan.

2. Expenditures:

The authorization to issue bonds to fund the Keys Wastewater Plan as allowed by this bill reduces the amount local governments will pay in the implementation of the plan.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

The authorization to issue bonds to fund the Keys Wastewater Plan as allowed by this bill can potentially reduce the amount of user fees that utility customers would have to pay.

**D. FISCAL COMMENTS:**

None.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

Not applicable.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

1                                   A bill to be entitled  
 2           An act relating to documentary stamp tax  
 3           distributions; amending s. 201.15, F.S.; revising  
 4           provisions for the payment of debt service and other  
 5           amounts payable with respect to specified bonds;  
 6           providing an effective date.

7  
 8 Be It Enacted by the Legislature of the State of Florida:

9  
 10           Section 1. Section 201.15, Florida Statutes, is amended to  
 11 read:

12           201.15 Distribution of taxes collected.—All taxes  
 13 collected under this chapter are subject to the service charge  
 14 imposed in s. 215.20(1). Before ~~Prior to~~ distribution under this  
 15 section, the Department of Revenue shall deduct amounts  
 16 necessary to pay the costs of the collection and enforcement of  
 17 the tax levied by this chapter. Such costs and the service  
 18 charge may not be levied against any portion of taxes pledged to  
 19 debt service on bonds to the extent that the costs and service  
 20 charge are required to pay any amounts relating to the bonds.  
 21 After distributions are made pursuant to subsection (1), all of  
 22 the costs of the collection and enforcement of the tax levied by  
 23 this chapter and the service charge shall be available and  
 24 transferred to the extent necessary to pay debt service and any  
 25 other amounts payable with respect to bonds authorized before  
 26 January 1, 2015 ~~2013~~, secured by revenues distributed pursuant

27 to subsection (1). All taxes remaining after deduction of costs  
 28 and the service charge shall be distributed as follows:

29 (1) Sixty-three and thirty-one hundredths percent of the  
 30 remaining taxes shall be used for the following purposes:

31 (a) Amounts necessary to pay the debt service on, or fund  
 32 debt service reserve funds, rebate obligations, or other amounts  
 33 payable with respect to Preservation 2000 bonds issued pursuant  
 34 to s. 375.051 and Florida Forever bonds issued pursuant to s.  
 35 215.618, shall be paid into the State Treasury to the credit of  
 36 the Land Acquisition Trust Fund to be used for such purposes.  
 37 The amount transferred to the Land Acquisition Trust Fund may  
 38 not exceed \$300 million in fiscal year 1999-2000 and thereafter  
 39 for Preservation 2000 bonds and bonds issued to refund  
 40 Preservation 2000 bonds, and \$300 million in fiscal year 2000-  
 41 2001 and thereafter for Florida Forever bonds. The annual amount  
 42 transferred to the Land Acquisition Trust Fund for Florida  
 43 Forever bonds may not exceed \$30 million in the first fiscal  
 44 year in which bonds are issued. The limitation on the amount  
 45 transferred shall be increased by an additional \$30 million in  
 46 each subsequent fiscal year, but may not exceed a total of \$300  
 47 million in any fiscal year for all bonds issued. It is the  
 48 intent of the Legislature that all bonds issued to fund the  
 49 Florida Forever Act be retired by December 31, 2040. Except for  
 50 bonds issued to refund previously issued bonds, no series of  
 51 bonds may be issued pursuant to this paragraph unless such bonds  
 52 are approved and the debt service for the remainder of the



53 fiscal year in which the bonds are issued is specifically  
 54 appropriated in the General Appropriations Act. For purposes of  
 55 refunding Preservation 2000 bonds, amounts designated within  
 56 this section for Preservation 2000 and Florida Forever bonds may  
 57 be transferred between the two programs to the extent provided  
 58 for in the documents authorizing the issuance of the bonds. The  
 59 Preservation 2000 bonds and Florida Forever bonds are equally  
 60 and ratably secured by moneys distributable to the Land  
 61 Acquisition Trust Fund pursuant to this section, except as  
 62 specifically provided otherwise by the documents authorizing the  
 63 issuance of the bonds. Moneys transferred to the Land  
 64 Acquisition Trust Fund pursuant to this paragraph, or earnings  
 65 thereon, may not be used or made available to pay debt service  
 66 on the Save Our Coast revenue bonds.

67 (b) Moneys shall be paid into the State Treasury to the  
 68 credit of the Save Our Everglades Trust Fund in amounts  
 69 necessary to pay debt service, provide reserves, and pay rebate  
 70 obligations and other amounts due with respect to bonds issued  
 71 under s. 215.619. Taxes distributed under paragraph (a) and this  
 72 paragraph must be collectively distributed on a pro rata basis  
 73 when the available moneys under this subsection are not  
 74 sufficient to cover the amounts required under paragraph (a) and  
 75 this paragraph.

76 (c) After the required payments under paragraphs (a) and  
 77 (b), the remainder shall be paid into the State Treasury to the  
 78 credit of:

79           1. The State Transportation Trust Fund in the Department  
 80 of Transportation in the amount of the lesser of 38.2 percent of  
 81 the remainder or \$541.75 million in each fiscal year. Out of  
 82 such funds, the first \$50 million for the 2012-2013 fiscal year;  
 83 \$65 million for the 2013-2014 fiscal year; and \$75 million for  
 84 the 2014-2015 fiscal year and all subsequent years, shall be  
 85 transferred to the State Economic Enhancement and Development  
 86 Trust Fund within the Department of Economic Opportunity. The  
 87 remainder is to be used for the following specified purposes,  
 88 notwithstanding any other law to the contrary:

89           a. For the purposes of capital funding for the New Starts  
 90 Transit Program, authorized by Title 49, U.S.C. s. 5309 and  
 91 specified in s. 341.051, 10 percent of these funds;

92           b. For the purposes of the Small County Outreach Program  
 93 specified in s. 339.2818, 5 percent of these funds. Effective  
 94 July 1, 2014, the percentage allocated under this sub-  
 95 subparagraph shall be increased to 10 percent;

96           c. For the purposes of the Strategic Intermodal System  
 97 specified in ss. 339.61, 339.62, 339.63, and 339.64, 75 percent  
 98 of these funds after allocating for the New Starts Transit  
 99 Program described in sub-subparagraph a. and the Small County  
 100 Outreach Program described in sub-subparagraph b.; and

101           d. For the purposes of the Transportation Regional  
 102 Incentive Program specified in s. 339.2819, 25 percent of these  
 103 funds after allocating for the New Starts Transit Program  
 104 described in sub-subparagraph a. and the Small County Outreach

105 Program described in sub-subparagraph b. Effective July 1, 2014,  
 106 the first \$60 million of the funds allocated pursuant to this  
 107 sub-subparagraph shall be allocated annually to the Florida Rail  
 108 Enterprise for the purposes established in s. 341.303(5).

109 2. The Grants and Donations Trust Fund in the Department  
 110 of Economic Opportunity in the amount of the lesser of .23  
 111 percent of the remainder or \$3.25 million in each fiscal year to  
 112 fund technical assistance to local governments.

113 3. The Ecosystem Management and Restoration Trust Fund in  
 114 the amount of the lesser of 2.12 percent of the remainder or \$30  
 115 million in each fiscal year, to be used for the preservation and  
 116 repair of the state's beaches as provided in ss. 161.091-  
 117 161.212.

118 4. General Inspection Trust Fund in the amount of the  
 119 lesser of .02 percent of the remainder or \$300,000 in each  
 120 fiscal year to be used to fund oyster management and restoration  
 121 programs as provided in s. 379.362(3).

122  
 123 Moneys distributed pursuant to this paragraph may not be pledged  
 124 for debt service unless such pledge is approved by referendum of  
 125 the voters.

126 (d) After the required payments under paragraphs (a), (b),  
 127 and (c), the remainder shall be paid into the State Treasury to  
 128 the credit of the General Revenue Fund to be used and expended  
 129 for the purposes for which the General Revenue Fund was created  
 130 and exists by law.

131 (2) The lesser of 7.56 percent of the remaining taxes or  
 132 \$84.9 million in each fiscal year shall be distributed as  
 133 follows:

134 (a) Six million and three hundred thousand dollars shall  
 135 be paid into the State Treasury to the credit of the General  
 136 Revenue Fund.

137 (b) The remainder shall be paid into the State Treasury to  
 138 the credit of the Land Acquisition Trust Fund. Sums deposited in  
 139 the fund pursuant to this subsection may be used for any purpose  
 140 for which funds deposited in the Land Acquisition Trust Fund may  
 141 lawfully be used.

142 (3)(a) The lesser of 1.94 percent of the remaining taxes  
 143 or \$26 million in each fiscal year shall be distributed in the  
 144 following order:

145 1. Amounts necessary to pay debt service or to fund debt  
 146 service reserve funds, rebate obligations, or other amounts  
 147 payable with respect to bonds issued before February 1, 2009,  
 148 pursuant to this subsection shall be paid into the State  
 149 Treasury to the credit of the Land Acquisition Trust Fund.

150 2. Eleven million dollars shall be paid into the State  
 151 Treasury to the credit of the General Revenue Fund.

152 3. The remainder shall be paid into the State Treasury to  
 153 the credit of the Land Acquisition Trust Fund.

154 (b) Moneys deposited in the Land Acquisition Trust Fund  
 155 pursuant to this subsection shall be used to acquire coastal  
 156 lands or to pay debt service on bonds issued to acquire coastal

157 lands and to develop and manage lands acquired with moneys from  
 158 the trust fund.

159 (4) The lesser of 4.2 percent of the remaining taxes or  
 160 \$60.5 million in each fiscal year shall be paid into the State  
 161 Treasury to the credit of the Water Management Lands Trust Fund.  
 162 Sums deposited in that fund may be used for any purpose  
 163 authorized in s. 373.59.

164 (5) Of the remaining taxes, 3.52 percent shall be paid  
 165 into the State Treasury to the credit of the Conservation and  
 166 Recreation Lands Trust Fund to carry out the purposes set forth  
 167 in s. 259.032. Eleven and fifteen hundredths percent of the  
 168 amount credited to the Conservation and Recreation Lands Trust  
 169 Fund pursuant to this subsection shall be transferred to the  
 170 State Game Trust Fund and used for land management activities.

171 (6) The lesser of 2.28 percent of the remaining taxes or  
 172 \$34.1 million in each fiscal year shall be paid into the State  
 173 Treasury to the credit of the Invasive Plant Control Trust Fund  
 174 to carry out the purposes set forth in ss. 369.22 and 369.252.

175 (7) The lesser of .5 percent of the remaining taxes or  
 176 \$9.3 million in each fiscal year shall be paid into the State  
 177 Treasury to the credit of the State Game Trust Fund to be used  
 178 exclusively for the purpose of implementing the Lake Restoration  
 179 2020 Program.

180 (8) One-half of one percent of the remaining taxes shall  
 181 be paid into the State Treasury and divided equally to the  
 182 credit of the Department of Environmental Protection Water

183 Quality Assurance Trust Fund to address water quality impacts  
 184 associated with nonagricultural nonpoint sources and to the  
 185 credit of the Department of Agriculture and Consumer Services  
 186 General Inspection Trust Fund to address water quality impacts  
 187 associated with agricultural nonpoint sources, respectively.  
 188 These funds shall be used for research, development,  
 189 demonstration, and implementation of suitable best management  
 190 practices or other measures used to achieve water quality  
 191 standards in surface waters and water segments identified  
 192 pursuant to ss. 303(d) of the Clean Water Act, Pub. L. No. 92-  
 193 500, 33 U.S.C. ss. 1251 et seq. Implementation of best  
 194 management practices and other measures may include cost-share  
 195 grants, technical assistance, implementation tracking, and  
 196 conservation leases or other agreements for water quality  
 197 improvement. The Department of Environmental Protection and the  
 198 Department of Agriculture and Consumer Services may adopt rules  
 199 governing the distribution of funds for implementation of best  
 200 management practices. The unobligated balance of funds received  
 201 from the distribution of taxes collected under this chapter to  
 202 address water quality impacts associated with nonagricultural  
 203 nonpoint sources must be excluded when calculating the  
 204 unobligated balance of the Water Quality Assurance Trust Fund as  
 205 it relates to the determination of the applicable excise tax  
 206 rate.

207 (9) Seven and fifty-three hundredths percent of the  
 208 remaining taxes in each fiscal year shall be paid into the State

209 Treasury to the credit of the State Housing Trust Fund. Out of  
 210 such funds, beginning in the 2012-2013 fiscal year, the first  
 211 \$35 million shall be transferred annually, subject to any  
 212 distribution required under subsection (15), to the State  
 213 Economic Enhancement and Development Trust Fund within the  
 214 Department of Economic Opportunity. The remainder shall be used  
 215 as follows:

216       (a) Half of that amount shall be used for the purposes for  
 217 which the State Housing Trust Fund was created and exists by  
 218 law.

219       (b) Half of that amount shall be paid into the State  
 220 Treasury to the credit of the Local Government Housing Trust  
 221 Fund and used for the purposes for which the Local Government  
 222 Housing Trust Fund was created and exists by law.

223       (10) Eight and sixty-six hundredths percent of the  
 224 remaining taxes in each fiscal year shall be paid into the State  
 225 Treasury to the credit of the State Housing Trust Fund. Out of  
 226 such funds, beginning in the 2012-2013 fiscal year, the first  
 227 \$40 million shall be transferred annually, subject to any  
 228 distribution required under subsection (15), to the State  
 229 Economic Enhancement and Development Trust Fund within the  
 230 Department of Economic Opportunity. The remainder shall be used  
 231 as follows:

232       (a) Twelve and one-half percent of that amount shall be  
 233 deposited into the State Housing Trust Fund and be expended by  
 234 the Department of Economic Opportunity and by the Florida

235 Housing Finance Corporation for the purposes for which the State  
 236 Housing Trust Fund was created and exists by law.

237 (b) Eighty-seven and one-half percent of that amount shall  
 238 be distributed to the Local Government Housing Trust Fund and  
 239 used for the purposes for which the Local Government Housing  
 240 Trust Fund was created and exists by law. Funds from this  
 241 category may also be used to provide for state and local  
 242 services to assist the homeless.

243 (11) The distribution of proceeds deposited into the Water  
 244 Management Lands Trust Fund and the Conservation and Recreation  
 245 Lands Trust Fund, pursuant to subsections (4) and (5), may not  
 246 be used for land acquisition but may be used for preacquisition  
 247 costs associated with land purchases. The Legislature intends  
 248 that the Florida Forever program supplant the acquisition  
 249 programs formerly authorized under ss. 259.032 and 373.59.

250 (12) Amounts distributed pursuant to subsections (5), (6),  
 251 (7), and (8) are subject to the payment of debt service on  
 252 outstanding Conservation and Recreation Lands revenue bonds.

253 (13) In each fiscal year that the remaining taxes exceed  
 254 collections in the prior fiscal year, the stated maximum dollar  
 255 amounts provided in subsections (2), (4), (6), and (7) shall  
 256 each be increased by an amount equal to 10 percent of the  
 257 increase in the remaining taxes collected under this chapter  
 258 multiplied by the applicable percentage provided in those  
 259 subsections.

260 (14) If the payment requirements in any year for bonds



261 outstanding on July 1, 2007, or bonds issued to refund such  
 262 bonds, exceed the limitations of this section, distributions to  
 263 the trust fund from which the bond payments are made must be  
 264 increased to the lesser of the amount needed to pay bond  
 265 obligations or the limit of the applicable percentage  
 266 distribution provided in subsections (1)-(10).

267 (15) Distributions to the State Housing Trust Fund  
 268 pursuant to subsections (9) and (10) must be sufficient to cover  
 269 amounts required to be transferred to the Florida Affordable  
 270 Housing Guarantee Program's annual debt service reserve and  
 271 guarantee fund pursuant to s. 420.5092(6)(a) and (b) up to the  
 272 amount required to be transferred to such reserve and fund based  
 273 on the percentage distribution of documentary stamp tax revenues  
 274 to the State Housing Trust Fund which is in effect in the 2004-  
 275 2005 fiscal year.

276 (16) If amounts necessary to pay debt service or any other  
 277 amounts payable with respect to Preservation 2000 bonds, Florida  
 278 Forever bonds, or Everglades Restoration bonds authorized before  
 279 January 1, 2015 ~~2013~~, exceed the amounts distributable pursuant  
 280 to subsection (1), all moneys distributable pursuant to this  
 281 section are available for such obligations and transferred in  
 282 the amounts necessary to pay such obligations when due. However,  
 283 amounts distributable pursuant to subsection (2), subsection  
 284 (3), subsection (4), subsection (5), paragraph (9)(a), or  
 285 paragraph (10)(a) are not available to pay such obligations to  
 286 the extent that such moneys are necessary to pay debt service on

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287 | bonds secured by revenues pursuant to those provisions.

288 |       (17) After the distributions provided in the preceding  
289 | subsections, any remaining taxes shall be paid into the State  
290 | Treasury to the credit of the General Revenue Fund.

291 |       Section 2. This act shall take effect July 1, 2014.



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 601 Reclaimed Water  
**SPONSOR(S):** Agriculture & Natural Resources Subcommittee and Ray  
**TIED BILLS:** None **IDEN./SIM. BILLS:** CS/SB 536

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture & Natural Resources Subcommittee	11 Y, 0 N, As CS	Renner	Blalock
2) Agriculture & Natural Resources Appropriations Subcommittee		Helpling <i>CA</i>	Massengale <i>SM</i>
3) State Affairs Committee			

### SUMMARY ANALYSIS

Reclaimed water is defined by law as water that has received at least secondary treatment and basic disinfection and is reused after flowing out of a domestic wastewater treatment facility. Extensive treatment and disinfection ensure that public health and environmental quality are protected. The use of reclaimed water can reduce the amount of groundwater and surface water that is required to meet non-potable supply needs such as agricultural or residential irrigation, power generation, or recreation (e.g., golf courses or waterparks). However, there are some uncertainties regarding expanding the use of reclaimed water in the state. Surface water is defined as water upon the surface of the earth, whether contained in bounds created naturally or artificially or diffused.

The bill directs the Department of Environmental Protection (DEP), in coordination with the Department of Agriculture and Consumer Services (DACS) and the five water management districts (WMDs), to conduct a study and submit a report on the expansion of the beneficial use of reclaimed water, stormwater, and excess surface water. The bill requires the report to:

- Identify factors that prohibit or complicate the expansion of using reclaimed water, stormwater, and excess surface water and recommend how those factors can be mitigated or eliminated;
- Identify the environmental, engineering, public health, public perception, and fiscal constraints of expanding the use of reclaimed water, including utility rate structures for reclaimed water;
- Identify areas where traditional water supply sources are limited and the use of reclaimed water, stormwater, or excess surface water for irrigation or other uses is necessary;
- Recommend permit incentives, such as extending current authorizations for long-term CUPs for all entities that substitute reclaimed water for traditional water sources that become unavailable or otherwise cost prohibitive; and
- Determine the feasibility, benefit, and cost estimate of the infrastructure needed to construct regional storage features on public or private lands for reclaimed water, stormwater, and excess surface water.

The bill requires DEP to hold a public meeting to gather input on the study design and provide an opportunity for public comment before submitting the report, which must be submitted to the President of the Senate, the Speaker of the House of Representatives, and the Governor by December 1, 2015.

The bill has an indeterminate, but likely insignificant negative fiscal impact on DEP for the cost of conducting the study and submitting the report (see Fiscal Analysis Section below).

The bill's effective date is July 1, 2014.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Present Situation

For water uses other than private wells for domestic use, the Department of Environmental Protection (DEP) and the water management districts (WMDs) have the authority to require any person seeking to use "waters in the state"<sup>1</sup> to obtain a consumptive use permit (CUP). A CUP establishes the duration and type of allowed water use as well as the maximum amount that may be used. Pursuant to s. 373.219, F.S., each CUP must be consistent with the objectives of the WMD and may not be harmful to the water resources of the area. To obtain a CUP, an applicant must establish that the proposed use of water satisfies the statutory test, commonly referred to as "the three-prong test." Specifically, the proposed water use:

1. Must be a reasonable-beneficial use;<sup>2</sup>
2. May not interfere with any presently existing legal use of water; and
3. Must be consistent with the public interest.<sup>3</sup>

In an effort to conserve the State's potable surface water and groundwater resources, WMDs are authorized to restrict water use to the lowest quality water source appropriate for the specific use, and to adopt rules that identify preferred water supply sources for consumptive uses.<sup>4</sup> The WMD may consider all economically and technically feasible alternatives to the proposed water source, including alternative water sources, such as desalination, aquifer storage and recovery, and reuse of non-potable reclaimed water.<sup>5</sup> Of these enumerated alternative water sources, the Legislature expressly encourages the use of reclaimed water as an alternative water source "whenever practicable."<sup>6</sup>

Section 373.019(17), F.S., defines reclaimed water as "water that has received at least secondary treatment and basic disinfection and is reused after flowing out of a domestic wastewater treatment facility."<sup>7</sup> Section 403.866, F.S., defines a "domestic wastewater treatment facility" as any plant or other works used for the purpose of treating, stabilizing, or holding domestic wastes. Extensive treatment and disinfection of water from a domestic wastewater treatment facility ensures that public health and environmental quality are protected.<sup>8</sup>

Section 373.019(21), F.S., defines surface water to mean "water upon the surface of the earth, whether contained in bounds created naturally or artificially or diffused. Water from natural springs shall be classified as surface water when it exits from the spring onto the earth's surface."

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<sup>1</sup> Section 373.019(22), F.S., defines "water" or "waters in the state" to mean any and all water on or beneath the surface of the ground or in the atmosphere, including natural or artificial watercourses, lakes, ponds, or diffused surface water and water percolating, standing, or flowing beneath the surface of the ground, as well as all coastal waters within the jurisdiction of the state.

<sup>2</sup> Section 373.019(16), F.S., defines "reasonable-beneficial use" to mean the use of water in such quantity as is necessary for economic and efficient utilization for a purpose and in a manner that is both reasonable and consistent with the public interest.

<sup>3</sup> Section 373.223(1), F.S.

<sup>4</sup> See Section 373.2234, F.S.

<sup>5</sup> Section 373.223(3)(c), F.S.

<sup>6</sup> Section 373.016(4)(a), F.S.

<sup>7</sup> See also Florida DEP website on 'water reuse.' This information can be viewed at <http://www.dep.state.fl.us/water/reuse/index.htm>.

<sup>8</sup> *Id.*

Section 373.250, F.S., governs the reuse of reclaimed water in the state. A WMD is authorized to require the use of reclaimed water in lieu of surface water or groundwater when the use of uncommitted reclaimed water is:

- Available;
- Environmentally, economically, and technically feasible; and
- Of such quality and reliability as is necessary to the user.<sup>9</sup>

However, a WMD may neither specify any user to whom the reuse utility must provide reclaimed water, nor restrict the use of reclaimed water provided by a reuse utility to a customer in a permit or in a water shortage order or water shortage emergency order.<sup>10</sup> Reclaimed water is presumed to be available to a CUP applicant when a reclaimed water provider has uncommitted reclaimed water capacity, and there are distribution facilities provided by the utility to the site of the proposed use.<sup>11</sup> A WMD may not require a permit for the use of reclaimed water. However, when a use includes surface water or groundwater the permit for such sources may include conditions that govern the use of the permitted sources in relation to the feasibility or use of reclaimed water.<sup>12</sup>

As required in statute and implemented in DEP's Water Resource Implementation Rule,<sup>13</sup> WMDs must designate water resource caution areas<sup>14</sup> within which CUP permit holders are required to use a "reasonable" amount of reclaimed water, unless using it is not "economically, environmentally, or technically feasible." For areas outside of designated water resource caution areas, DEP encourages local governments to implement programs for the use of reclaimed water. Specifically, WMDs are encouraged to establish incentives, such as longer permit duration and cost-sharing, for local governments and other interested parties to implement programs for reclaimed water use.<sup>15</sup>

Reclaimed water is designated as an alternative water source in Florida and the use of reclaimed water can reduce the amount surface water and groundwater consumed in the state. The encouragement and promotion of water conservation and reuse of reclaimed water are state objectives and considered to be in the public interest.<sup>16</sup> The use of reclaimed water provided by domestic wastewater treatment plants permitted and operated under a reuse program approved by DEP is environmentally acceptable and not a threat to public health and safety.<sup>17</sup>

The use of reclaimed water saves water that would otherwise need to be withdrawn from surface water and groundwater sources to meet non-potable supply needs such as agricultural or residential irrigation, power generation, or recreation (e.g., golf courses or waterparks). Additionally, reclaiming wastewater reduces reliance on traditional wastewater disposal methods such as surface water discharges, ocean outfalls,<sup>18</sup> or deep injection wells.<sup>19</sup>

However, there are some uncertainties that exist pertaining to expanding the use of reclaimed water in the state. According to the Department of Agriculture and Consumer Services (DACS), one hindrance to increasing reliance on the use of reclaimed water is that there usually is too much of it available

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<sup>9</sup> Section 373.250(3)(c), F.S.

<sup>10</sup> *Id.*

<sup>11</sup> Section 373.250(3)(a), F.S.

<sup>12</sup> Section 373.250(3)(b), F.S.

<sup>13</sup> Section 373.036, F.S., and Rule 62-40, F.A.C.

<sup>14</sup> Pursuant to s. 373.0363, F.S., and Rule 62-40.416, F.A.C., water resource caution areas are designated where water supply problems currently exist or are expected to exist within the next 20 years.

<sup>15</sup> Rule 62-40.416(2), F.A.C.

<sup>16</sup> Section 373.250(1)(a), F.S.

<sup>17</sup> *Id.*

<sup>18</sup> "Ocean outfall" means the outlet or structure through which effluent is finally discharged to the marine environment which includes the territorial sea, contiguous zone and the ocean. Rule 62-600.200(55), F.A.C.

<sup>19</sup> "Injection well" means a well into which fluids are being or will be injected, by gravity flow or under pressure. Rule 62-528.200(39), F.A.C.

during periods of high rainfall and not enough available to meet demands during low rainfall periods. It is necessary to store excess reclaimed water for use during times of peak demand, using water reservoirs or storage tanks. In addition, reclamation facilities and reuse sites are not always located near one another, so reclaimed water must be transported. The transmission lines and facilities necessary to accomplish this can be disruptive or expensive to construct, particularly in older or built-out areas.<sup>20</sup>

### **Effect of Proposed Changes**

The bill directs DEP, in coordination with DACS and the five WMDs, to conduct a study and submit a report on the expansion of the beneficial use of reclaimed water, stormwater, and excess surface water. The bill requires the report to:

- Identify factors that prohibit or complicate the expansion of using reclaimed water, stormwater, and excess surface water and recommend how those factors can be mitigated or eliminated;
- Identify the environmental, engineering, public health, public perception, and fiscal constraints of expanding the use of reclaimed water, including utility rate structures for reclaimed water;
- Identify areas where traditional water supply sources are limited and the use of reclaimed water, stormwater, or excess surface water for irrigation or other uses is necessary;
- Recommend permit incentives, such as extending current authorizations for long-term CUPs for all entities that substitute reclaimed water for traditional water sources that become unavailable or otherwise cost prohibitive; and
- Determine the feasibility, benefit, and cost estimate of the infrastructure needed to construct regional storage features on public or private lands for reclaimed water, stormwater, and excess surface water, including the collection and delivery mechanisms for beneficial uses such as:
  - Agricultural irrigation;
  - Power generation;
  - Public water supply;
  - Wetland restoration;
  - Groundwater recharge; and
  - Waterbody base flow augmentation.

The bill requires DEP to hold a public meeting to gather input on the study design and provide an opportunity for public comment before submitting the report, which must be submitted to the President of the Senate, the Speaker of the House of Representatives, and the Governor by December 1, 2015.

#### **B. SECTION DIRECTORY:**

Section 1. Requires DEP, in coordination with DACS and WMDs, to conduct a study on the expansion of the beneficial use of reclaimed water, stormwater, and excess surface water, and submit a report to the Governor and the Legislature.

Section 2. Provides an effective date of July 1, 2014.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

#### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

##### **1. Revenues:**

None.

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<sup>20</sup> DACS bill analysis. On file with Agriculture & Natural Resources Subcommittee staff.  
STORAGE NAME: h0601b.ANRAS.DOCX  
DATE: 3/10/2014

2. Expenditures:

The bill has an indeterminate, but likely insignificant negative fiscal impact on DEP for the cost of conducting the study and submitting the report. According to DEP, existing staff would assist in the report and study required by the bill and would be paid out of the Administrative Trust Fund and the Water Quality Assurance Trust Fund.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None



**B. RULE-MAKING AUTHORITY:**

The bill does not appear to create a need for rulemaking or require additional rulemaking authority.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On March 4, 2014, the Agriculture & Natural Resources Subcommittee adopted one amendment and reported the bill favorably with a committee substitute. The amendment specifies that DEP will take the lead in conducting the study required in the bill and that DACS and the WMDs will work in conjunction with DEP. Under the bill, stormwater and excess surface water was referenced as examples of reclaimed water. However, stormwater and excess surface water are not statutorily defined as reclaimed water. The amendment makes a technical change to specify that stormwater and excess surface water are separate from reclaimed water.

This analysis is drafted to the committee substitute as passed by the Agriculture & Natural Resources Subcommittee.

1                                    A bill to be entitled  
 2            An act relating to reclaimed water; requiring the  
 3            Department of Environmental Protection to conduct a  
 4            study in coordination with the Department of  
 5            Agriculture and Consumer Services and the water  
 6            management districts on the expansion of the  
 7            beneficial use of reclaimed water, stormwater, and  
 8            excess surface water and to submit a report based upon  
 9            such study; providing requirements for the report;  
 10           requiring the departments to provide the public an  
 11           opportunity for input and for public comment;  
 12           requiring that the report be submitted to the Governor  
 13           and the Legislature by a specified date; providing an  
 14           effective date.

15  
 16 Be It Enacted by the Legislature of the State of Florida:

17  
 18            Section 1. Use of reclaimed water, stormwater, and excess  
 19 surface water.—

20            (1) The Department of Environmental Protection, in  
 21 coordination with the Department of Agriculture and Consumer  
 22 Services and the five water management districts, shall conduct  
 23 a comprehensive study and submit a report on the expansion of  
 24 the beneficial use of reclaimed water, stormwater, and excess  
 25 surface water in this state.

26            (2) The report must:

27 (a) Identify factors that prohibit or complicate the  
 28 expansion of the beneficial use of reclaimed water, stormwater,  
 29 and excess surface water and recommend how those factors can be  
 30 mitigated or eliminated.

31 (b) Identify the environmental, engineering, public  
 32 health, public perception, and fiscal constraints of such an  
 33 expansion, including utility rate structures for reclaimed  
 34 water.

35 (c) Identify areas in the state where traditional water  
 36 supply sources are limited and the use of reclaimed water,  
 37 stormwater, or excess surface water for irrigation or other  
 38 purposes is necessary.

39 (d) Recommend permit incentives, such as extending current  
 40 authorizations for long-term consumptive use permits for all  
 41 entities that substitute reclaimed water for traditional water  
 42 sources that become unavailable or otherwise cost prohibitive.

43 (e) Determine the feasibility, benefit, and cost estimate  
 44 of the infrastructure needed to construct regional storage  
 45 features on public or private lands for reclaimed water,  
 46 stormwater, and excess surface water, including the collection  
 47 and delivery mechanisms for beneficial uses such as agricultural  
 48 irrigation, power generation, public water supply, wetland  
 49 restoration, groundwater recharge, and waterbody base flow  
 50 augmentation.

51 (3) The departments shall:

52 (a) Hold a public meeting to gather input on the study

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53 | design.

54 |       (b) Provide an opportunity for public comment before  
55 | submitting the report.

56 |       (4) The report shall be submitted to the Governor, the  
57 | President of the Senate, and the Speaker of the House of  
58 | Representatives no later than December 1, 2015.

59 |       Section 2. This act shall take effect July 1, 2014.



**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 7051      PCB BPRS 14-01      Department of Agriculture and Consumer Services  
**SPONSOR(S):** Business & Professional Regulation Subcommittee; La Rosa  
**TIED BILLS:**            **IDEN./SIM. BILLS:** SB 1018

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Business & Professional Regulation Subcommittee	8 Y, 5 N	Butler	Luczynski
1) Agriculture & Natural Resources Appropriations Subcommittee		Lolley <i>gl</i>	Massengale <i>SM</i>
2) Regulatory Affairs Committee			

**SUMMARY ANALYSIS**

The bill contains modifications to several licensing and consumer services activities under the jurisdiction of the Florida Department of Agriculture and Consumer Services.

Within the Division of Licensing, the bill:

- Removes the requirement of a written note when a legible set of fingerprints cannot be obtained after two unsuccessful attempts;
- Clarifies existing requirements for licensing and recertification of Class "G" statewide firearms licensees;
- Allows a licensee who has been issued a Class "G" license to carry .40 caliber or .45 caliber automatic colt pistol (ACP) handguns while on duty;
- Allows security officers performing bodyguard or executive protection services in plainclothes to carry their firearm concealed while on-duty;
- Allows the department to publish notice in Leon County and on their website when serving an administrative complaint on a concealed weapons licensee after personal service is ineffective and the address for the licensee is outside of Florida;
- Grants the Bureau of License Issuance within the Division of Licensing access to sealed criminal histories for applicants of a concealed weapon license to determine eligibility.

Within the Division of Consumer Services, the bill:

- Provides uniform security bond requirements for health studios, telemarketers, pawnbrokers, and sellers of travel for more efficient administration of bond programs, and authorizes the department to recover legal fees if a surety refuses a lawful demand for payment;
- Repeals the department's regulations on commercial weight-loss practices and dance studios;
- Redefines "telephone solicitor" to include solicitors making outbound calls to solicit charitable donations;
- Defines "novelty payment methods," which are payment methods that do not provide systematic monitoring and fraud protections for consumers, and forbids telemarketers from accepting "novelty payment methods" as a form of payment to protect consumers;
- Amends brake fluid and antifreeze registrations to expire one year after registration;
- Requires the department to enact quality and labeling standards by rule for motor oils;
- Clarifies inconsistencies relating to gasoline and oil inspections;
- Specifies that scales approved by the department be used in all pawnbroker transactions involving the weighing of precious metals and increases penalties for noncompliance.

The bill has a minimal positive fiscal impact for the state, no impact on local government, and an insignificant fiscal for pawnbrokers.

The bill has an effective date of July 1, 2014.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

The mission of the Florida Department of Agriculture and Consumer Services is to safeguard the public and support Florida's agricultural economy by:

- Ensuring the safety and wholesomeness of food and other consumer products through inspection and testing programs;
- Protecting consumers from unfair and deceptive business practices and providing consumer information;
- Assisting Florida's farmers and agricultural industries with the production and promotion of agricultural products; and
- Conserving and protecting the state's agricultural and natural resources by reducing wildfires, promoting environmentally safe agricultural practices, and managing public lands.

The bill includes modifications to several regulatory and consumer activities under the department's jurisdiction, specifically the Division of Consumer Services and Division of Licensing. Each proposed change is divided by subject and each subject is followed by a listing of the applicable sections of the bill.

#### B. SECTION DIRECTORY:

The following includes the Current Situation and Effect of the Bill.

#### Division of Licensing

##### Private Investigative, Private Security, and Repossession Services, Chapter 493, F.S.

Chapter 493, F.S., governs Private Investigators, Private Security, and Repossession Services within Florida. The department licenses the industry and individuals operating within the state. The department regulates many facets of the private security industry, and the amendments clarify language related to the department's regulatory function.

##### *Application for Private Investigation, Private Security, or Repossession License, Section 493.6108, F.S.*

Currently, when an applicant applies for any license issued by the department pursuant to ch. 493, F.S., the applicant must submit a legible set of fingerprints used as part of the applicant's criminal history check. When an applicant cannot supply a legible set of fingerprints after multiple attempts, the department performs a name-based criminal history check.

In order for the department to proceed with a name-based check, a written statement from a fingerprint technician or a licensed physician affirming that the fingerprints are the best that could be provided or that a physical condition prevents submission of a legible set of prints must be supplied by the applicant.

The bill removes the requirement that an applicant submit a written statement signed by a fingerprint technician or a licensed physician, if an applicant is unsuccessful in providing legible fingerprints. The written statement did not provide the department with any additional pertinent information toward issuing a license and delayed the approval process.<sup>1</sup>

<sup>1</sup> Florida Department of Agriculture and Consumer Services, Agency Analysis of Proposed 2014 Department Bill, p. 2 (Oct. 18, 2013) (on file with the Business & Professional Regulation Subcommittee).

The bill authorizes the department to determine eligibility based upon a criminal history record check under the applicant's name after two unsuccessful attempts to obtain legible fingerprints.

**Section 1** amends s. 493.6108, F.S.

*Security Officers Firearm Recertification, Section 493.6113, F.S.*

Chapter 2013-251, L.O.F. amended the statutory provisions providing for submission of proof of firearms recertification training. After implementation, members of the security industry informed the department that the language as written is confusing.<sup>2</sup> Security officers are unsure when firearms recertification training must take place and when it must be delivered to the department.

The bill amends s. 493.6113, F.S., and clarifies that a Class "G" licensee must complete 28 hours of training before they are initially licensed by the department. After initial licensure, if a licensee fails to complete and submit 4 hours of firearm recertification before the end of each year of the license, the license will be suspended. Before a suspended license may be reinstated, the licensee must re-complete 28 hours of training, similar to the amount required before licensure.

The bill clarifies the original changes of last year's bill to better inform the security industry and Class "G" licensees of their responsibilities.

**Section 2** amends s. 493.6113, F.S.

*Security Officers, Caliber of Firearms, Section 493.6115, F.S.*

Class "G" statewide firearm licensees are currently authorized to carry a .38 caliber revolver, .38 or 9mm semiautomatic pistol, or a .357 caliber revolver with .38 caliber ammunition while performing their duties.<sup>3</sup>

A number of security agencies have requested and been granted waivers to allow them to carry a .40 caliber handgun or a .45 caliber automatic colt pistol (ACP) handgun. The department has granted 74 such waivers for security agencies guarding critical infrastructure, such as deep-water ports and power plants.<sup>4</sup> In at least one case, the primary reason for the waiver request was because all law enforcement in the area carried .40 caliber semi-automatic pistols, and interchangeability of ammunition could be crucial in an emergency situation.<sup>5</sup>

This bill increases the caliber of handguns that security officers licensed under ch. 493, F.S., may use while performing their duties to include .40 caliber and .45 caliber ACP handguns. The currently authorized caliber pistols were the standard among law enforcement agencies, but in the past 10-15 years many agencies have moved to either .40 caliber or .45 caliber ACP handguns.<sup>6</sup>

The bill brings the caliber of firearms used by security officers into alignment with the type and caliber of firearms currently considered standard and generally carried by law enforcement agencies statewide.

**Section 3** amends s. 493.6115, F.S.

*Security Officer Uniforms, Section 493.6305, F.S.*

Section 493.6305, F.S., governs uniforms worn by security officers. Security officers currently may carry their firearm concealed while wearing plainclothes only when performing limited or temporary,

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<sup>2</sup> *Id.* at 3.

<sup>3</sup> Section 493.6115(6), F.S.

<sup>4</sup> Florida Department of Agriculture and Consumer Services, Agency Analysis of Proposed 2014 Department Bill, p. 3 (Oct. 18, 2013) (on file with the Business & Professional Regulation Subcommittee).

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*



special assignment duties. In practice, security officers may be required to be unidentified during certain assignments, such as when performing bodyguard or executive protection services. Current law does not allow a security officer to carry their firearm concealed, while wearing plainclothes, during these assignments.

To perform bodyguard and executive protection services in plainclothes currently, either a security officer must not carry their firearm concealed, or he or she must obtain a separate private investigator license in order to carry a concealed weapon while on duty. This additional license may not be desirable or obtainable by all current security officers due to experience requirements, and decreases employment opportunities for Class "D" security officers with a Class "G" statewide firearm license.

The bill will allow Class "D" security officers who also hold a Class "G" statewide firearms license to carry a concealed firearm while performing bodyguard or executive protection duties. The amendments will alleviate the requirement to obtain a separate private investigative license for security officers who only seek to provide bodyguard services.

**Section 4** amends s. 493.6305, F.S.

Concealed Weapon License, Chapters 570 and 943, F.S.

*Service of Process for an Administrative Complaint Regarding a Concealed Weapon License, Section 570.07, F.S.*

In 2012, s. 120.60(5), F.S., was amended to remove the requirement that should an agency attempting to revoke or withdraw a license, or enter a final order and personal service is ineffective, the agency shall publish notice in a newspaper of general circulation in Leon County if the individual has an address in some other state than this state or a foreign jurisdiction. This previous amendment was intended to lower agency expenditures on publication by not requiring publication in Leon County. Because the department has no alternative statutory guidance to provide reasonable notice, the Division of Licensing's publication costs have risen as a result.

Currently, for the revocation or withdrawal of a license, s. 120.60(5), F.S., requires either personal service or service through certified mail. If this service is ineffective, or the certified letter is returned undeliverable, the agency must publish notice in a newspaper published in the county of the licensee's last known address, or in a newspaper of general publication in the county that the licensee currently resides.

The department was able to reduce its cost of publication when publishing notice in Leon County for out of state licensees. Following last year's amendments, the department is required to research and locate an out of state newspaper that fits the legislative requirements and contract with that paper to publish their notice.

As a result of the change in s. 120.60(5), F.S., the department's publication costs for Fiscal Year 2012-13 increased by \$185,000.<sup>7</sup> The department has spent considerable efforts to locate cost-efficient publications throughout the United States that adhere to s. 120.60(5), F.S.

The bill amends s. 570.07, F.S., allowing the Division of Licensing to attempt service of administrative complaints through regular mail and e-mail, in addition to certified mail, and to call the licensee's filed phone number, if available. If those methods of service prove ineffective, the bill would allow the Division of Licensing to publish notice in Leon County for out-of-state addresses and must additionally publish notice on the front page of the department's website. These provisions will meet the constitutional and statutorily mandated requirements to afford a licensee reasonable notice and should greatly reduce the Division of Licensing's publication costs.

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<sup>7</sup> *Id.*

**Section 18** amends s. 570.07, F.S.

*Access to Sealed Court Records for Concealed Weapon License Applications, Section 943.059, F.S.*

To purchase a firearm in Florida, a person must be at least 18 years of age, not be a convicted felon, have no history of mental illness, and no history of drug or alcohol abuse. When visiting a licensed firearms dealer to purchase a gun, a person is required to fill out a form prepared by the Florida Department of Law Enforcement (FDLE) and submit to a criminal background check, as per s. 790.065, F.S. In addition to submitting to a criminal history check, when purchasing a handgun, a person must wait 72 hours before taking possession of the handgun, unless the purchaser is trading in a handgun he or she currently owns.

If a person holds a concealed weapon license, issued by the Division of Licensing, pursuant to s. 790.06, F.S., when purchasing a firearm from a licensed dealer, the dealer is not required to perform the FDLE criminal history check, and when purchasing a handgun there is no 72-hour waiting period before a purchaser may take possession.

When the Division of Licensing is examining an applicant for a concealed weapon license, the division may reject an application if the applicant has a disqualifying criminal record. Commission of a felony pursuant to ss. 790.23 and 790.065(2)(a)(1), F.S., disqualifies a person from purchasing a firearm, regardless of whether that felony is sealed or unsealed.

Section 943.059(4)(a)(7), F.S., allows FDLE to open a sealed criminal history to determine the purchaser's eligibility during his or her criminal history check. Currently, the Division of Licensing may not open a sealed criminal history during the criminal history check to determine the eligibility of a person to obtain a concealed weapon license.

The language of s. 943.059(4), F.S., currently does not include an exemption for the Division of Licensing allowing it to consider sealed criminal history information during the criminal history check pursuant to s. 709.06, F.S., when determining a purchaser's eligibility to obtain a concealed weapon license. This has created a situation where a person may be able to obtain a concealed weapon license, despite having a disqualifying criminal record because the Division of Licensing cannot consider the contents of a sealed criminal history. Thus, this inconsistency could allow a person with a disqualifying criminal record in a sealed criminal history to obtain a concealed weapon license and to purchase a firearm from a licensed dealer.

This bill corrects the inconsistency that exists when a person is purchasing a firearm from a licensed dealer and his or her criminal records may be unsealed for FDLE, and when a person is applying for a concealed weapon license and his or her criminal records may not be unsealed for the Division of Licensing.

This bill revises s. 943.059, F.S., to include the Bureau of License Issuance within the Division of Licensing in the list of agencies that may open a sealed criminal history for the purposes of determining eligibility of an applicant for a concealed weapon license, under s. 709.06 F.S.

**Section 19** amends s. 943.059, F.S.

### **Division of Consumer Services**

**Bond Security Requirements of Health Studios, Telemarketers, Pawnbrokers and Sellers of Travel, Chapters 501, 539 and 559, F.S.**

The Division of Consumer Services regulates several industries that have a security bond requirement. The businesses are required to keep a bond, or other form of security, on file with the department as a form of security to satisfy possible consumer complaints.

The bill contains several revisions to the existing bond security requirements of health studios, telemarketers, pawnbrokers, and sellers of travel. The revisions are mostly technical in nature, with a few substantive changes, to unify the requirements of the department and each industry to be similar. Each section was initially enacted separately and created inconsistencies in the administration of the bond programs.

The bill amends the language in several sections to:

- Require bond maintenance in accordance with the department's regulations;
- Clarify that liability for injuries against the bond may be determined either by administrative proceeding by the department or through a civil action in a court of competent jurisdiction;
- Clarify that claims against the bond may only be paid by order of the department in an administrative proceeding;
- Clarify the timing of when a claim for an injury must be made; and
- Allow the department to recover legal fees should the surety fail to comply with a lawful demand of the department for payment.

The amendments will permit the department to administer its several bond security programs more efficiently and reliably.

**Section 5** amends s. 501.016, F.S., (relating to health studios), **Section 9** amends s. 501.611, F.S., (relating to telemarketers), **Section 16** amends s. 539.001, F.S., (relating to pawnbrokers), **Section 17** amends s. 559.929, F.S., (relating to sellers of travel), and **Section 21** amends s. 501.015, F.S., (conforming cross-references).

#### Repeal of Commercial Weight-Loss Practices and Dance Studios Acts, Chapter 501, F.S.

##### *Repeal of the Commercial Weight-Loss Practices Act, Sections 501.057 – 501.0583, F.S.*

Sections 501.057, 501.0571, 501.0573, 501.0575, 501.0577, 501.0579, 501.0581, and 501.0583, F.S., are the Commercial Weight-Loss Practices Act, which regulates weight-loss providers. The Act requires providers to give customers and prospective customers written itemized statements on the fixed and estimated costs of the programs, provide a copy of the "Weight-Loss Consumer Bill of Rights," and to disclose information about the program and provider.

The department has not received any complaints related to this act in recent years and has no nexus with the industry.<sup>8</sup> The department's regulations cover some administrative aspects of the providers business, but the majority of the regulation for this industry is under the jurisdiction of the Agency for Health Care Administration (AHCA). AHCA regulates dietitian and nutritionist practices of businesses in Florida, including those provided by the commercial weight-loss industry.

This bill repeals the Commercial Weight-Loss Practices Act, which the department has determined no longer serves an appropriate regulatory purpose.

**Section 6** repeals ss. 501.057, 501.0571, 501.0573, 501.0575, 50.0577, 501.0579, 501.0581, and 501.0583, F.S.

##### *Repeal of the Dance Studio Act, Section 501.143, F.S.*

The Dance Studio Act, s. 501.143, F.S., requires each ballroom dance studio owner to register with the department and post a security bond with the department if the studio requires installment contracts or

<sup>8</sup> Florida Department of Agriculture and Consumer Services, Agency Analysis of Proposed 2014 Department Bill p. 4 (Oct. 18, 2013) (on file with the Business & Professional Regulation Subcommittee).

advance payment greater than \$250. The department has the authority to collect registration fees and impose penalties for non-compliance.

Ballroom dance studios are currently the only studios regulated by the department. During the last three fiscal years, the department has received 23 complaints and resolved them to recover \$23,025 for consumers.<sup>9</sup> This recovery was made under the department's authority to conduct informal mediation, and not through the bond security program. There has not been a bond payout during the last three years.

The bill repeals s. 501.143, F.S., removing the requirement for ballroom dance studios to register with the department. This repeal completely deregulates the industry in Florida. The department will continue to handle complaints through its non-regulated complaint and mediation section.

**Section 6** repeals s. 501.143, F.S., and **Section 20** amends s. 205.1969, F.S., (conforming cross-references).

#### Telephone Solicitors and Telemarketers, Chapter 501, F.S.

##### *Telephone Solicitors, Section 501.059, F.S.*

Section 501.059, F.S., was amended last year to require telephone solicitors not initiate an outbound call to a consumer who has previously communicated he or she did not want to be called for charitable donations. However, the term "telephone solicitor," which is the party that is restricted from making outbound calls including those calls for charitable solicitations, is currently not defined to include a solicitor who makes only outbound calls for the purpose of charitable solicitations.

The bill amends the definition of "telephone solicitor" to clarify that a "telephone solicitor" includes those persons seeking charitable contributions on behalf of a charitable organization. This change should help to prevent these charitable organizations from evading Florida's Do Not Call requirements.

**Section 7** amends s. 501.059, F.S.

##### *Outlawing Telemarketers Using Novelty Payment Methods, Section 501.603, F.S.*

Traditionally, consumers have used several types of payment methods when purchasing items either over the phone from telemarketers, or online. The conventional payment methods include credit and debit cards, or other electronic fund transfer methods that use banks or other networks that systematically monitor transactions to detect fraud.

Novelty payment methods are payment methods that do not have these types of systematic monitoring and includes methods such as remotely created checks, remotely created payment orders, cash-to-cash money transfers (such as Western Union) and cash reload mechanisms (such as MoneyPak or ReloadIt). Novelty payment methods are not systematically monitored, have little to no consumer protection in the case of fraud or theft, and are used frequently in scams and other fraudulent activity.

The Federal Trade Commission (FTC) has found that "unscrupulous telemarketers rely on these payment methods because they are largely unmonitored and provide consumers with fewer protections against fraud."<sup>10</sup> The FTC's notice of proposed rulemaking cites that these changes are required to strengthen the FTC's Telemarketing Sales Rule protections, and prevent deceptive telemarketing from harming unaware consumers.<sup>11</sup>

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<sup>9</sup> *Id.* at 5.

<sup>10</sup> Press Release, Federal Trade Commission, FTC Seeks Public Comment on Proposal to Ban Payment Methods Favored in Fraudulent Telemarketing Transactions (May 21, 2013) (available at <http://www.ftc.gov/news-events/press-releases/2013/05/ftc-seeks-public-comment-proposal-ban-payment-methods-favored>) (last visited Jan. 24, 2014).

<sup>11</sup> *Id.*

The bill bans such novelty payment methods as they are used today in telemarketing. Additionally, the bill gives the department rulemaking authority to define new and developing novelty payment methods and to proactively limit or ban them to protect consumers. These changes will reinforce and compliment the FTC's proposed protections, and further protect consumers in Florida.

**Section 8** amends s. 501.603, F.S., and **Section 10** amends s. 501.616, F.S.

Labeling and Registration Requirements for Motor Vehicle Products, Chapters 501, 525 and 526, F.S.

*Registration Requirements for Antifreeze and Brake Fluid, Chapters 501 and 526, F.S.*

Currently the Division of Consumer Services requires several products that are distributed within Florida to be registered with the division before they may be sold to the public. This registration must meet guidelines established by statute and conform to the requirements of the Division of Consumer Services. Two such products that are regulated by the division are antifreeze under s. 501.913, F.S., and brake fluid under ss. 526.50 and 526.51, F.S.

Under s. 501.913, F.S., each brand of antifreeze that is distributed within Florida must be registered with the department no later than July 1 of each year. The registration expires each year on June 30. Section 120.60, F.S., requires an application for registration to be approved or denied within 90 days after receipt of a complete application. According to the department's analysis, during Fiscal Year 2010-2011, applications increased 15 percent, and the Bureau of Standards who handles these applications has had their staff reduced.<sup>12</sup>

Brake fluid registrations, pursuant to ss. 526.50 and 526.51, F.S., expire each year on June 30. The department has noticed a similar upward trend in application submissions, with 30 percent more applications filed during Fiscal Year 2010-2011 than during the previous year.<sup>13</sup>

The requirements of these sections create work flow inefficiency, as the department must process a large amount of applications during the same time of year, instead of distributing applications throughout the year.

Distributing the application cycles throughout the year would address the increasing workload of these two registrations making efficient use of existing staff. New applicants would further have the benefit of a full year of registration before having to renew as the department does not have a provision for prorating the registration fee for new applicants.

The bill amends ss. 501.913, 526.50, and 526.51, F.S., to specify that antifreeze and brake fluid registrations expire one year from the date the registration is issued.

**Section 11** amends s. 501.913, F.S., (relating to antifreeze), and **Sections 14 and 15** amend ss. 526.50 and 526.51, F.S., (relating to brake fluid).

*Labeling Requirements for Liquid Fuel, Lubricating Oil, and Greases, Section 526.015, F.S.*

Under Chapter 526, F.S., a person is precluded from storing, selling, offering, or exposing for sale any liquid fuels, lubricating oils, greases, or other similar products in any manner whatsoever which may deceive the purchaser as to the nature, quality, or quantity of the products offered for sale. A previously used product that has been reclaimed, recleaned, or reconditioned is required to be clearly labeled as such. Any product that does not meet these labeling requirements as provided in ch. 526, F.S., is declared illegal, and shall be placed under a written stop-sale order.

<sup>12</sup> Florida Department of Agriculture and Consumer Services, Agency Analysis of Proposed 2014 Department Bill p. 6 (Oct. 18, 2013) (on file with the Business & Professional Regulation Subcommittee).

<sup>13</sup> *Id.* at 6-7.

The Society of Automotive Engineers (SAE) establishes national labeling and quality standards for liquid fuel, lubricating oil, and grease; however, the department lacks statutory authority to implement rules to include these or other standards necessary to protect the public.

This bill requires motor oil products to meet labeling and quality standards established by rule of the department before being sold in this state.

**Section 13** creates s. 526.015, F.S.

*Inspection Authority of the Department for Gasoline and Oil, Section 525.16, F.S.*

The department regularly conducts inspections of petroleum distribution systems and analyzes samples to protect consumers. When a violation is found, the department will issue a stop-sale order to prevent substandard petroleum from effecting consumers. The department issued 516 stop-sale orders during the 2010-2011 fiscal year.<sup>14</sup>

The department also regularly conducts inspections of the 9,025 retail facilities in Florida. In Fiscal Year 2010-2011, the department issued citations for 4,946 improper calibration violations and 66,321 poorly maintained pump violations.<sup>15</sup> The department also investigated 3,306 petroleum and price-related consumer complaints received through their consumer hotline phone number from the department's inspection decal on petroleum dispensers.<sup>16</sup>

Section 525.16(1)(a), F.S., uses the terms "violation" and "offender" when determining penalties for first and successive violations by offenders. Section 525.16(1)(b), F.S., uses the term "stop-sale order" in conjunction with "violation" for determining when three years have elapsed, with no new violation, for purposes of considering a person a first-time offender for imposition of penalties.

The bill amends s. 525.16(1)(b), F.S., removing the words "stop-sale order" to clarify that persons who commit a violation after a three year period with no new violations are treated as a first-time offender for imposition of penalties.

**Section 12** amends s. 525.16, F.S.

Weights and Measures Used by Pawnbrokers, Section 539.001, F.S.

Pawnbrokers must be licensed by the department annually and must maintain a net worth of at least \$50,000 or file security with the department. This security may be filed in the form of a bond, a letter of credit, or a certificate of deposit in an amount of \$10,000 with DACS. The department is authorized to collect licensing fees and impose penalties for non-compliance with the law.

When buying and selling precious metals by weight a pawnbroker must use a properly permitted scale, as defined in s. 531.60, F.S. When a precious metal is only being pawned though, several pawnbrokers have interpreted the current requirement as only a "descriptor," and because there is no buying or selling of the precious metal, the weight is not being recorded for "commercial purposes."

This ambiguity, and no explicit requirement that pawnbrokers use such a scale in s. 539.001, F.S., for all transactions that involve the weighing of a precious metal, has prevented department enforcement when a minority of pawnbrokers use unpermitted scales for transactions involving the weight of a precious metal.

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<sup>14</sup> *Id.* at 7.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

The bill amends s. 539.001, F.S., to clarify that all pawnbrokers must use a department-permitted scale, as described in ch. 531, F.S., in every transaction that involves the weighing of a precious metal. Further, this bill increases penalties for violation.

**Section 16** amends s. 539.001, F.S.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

General Inspection Trust Fund

<b>Recurring</b>	<b>FY 14-15</b>	<b>FY 15-16</b>
Repeal of Dance Studio Act (194 registrations @ \$300 annually)	(\$58,200)	(\$58,200)
Pawnbroker Weighing Device Permit	<u>480</u>	<u>480</u>
<b>Total Change in Revenue for General Inspection Trust Fund</b>	<b>(\$57,720)</b>	<b>(\$57,720)</b>

#### 2. Expenditures:

**Recurring**

General Inspection Trust Fund Dance Studio Act	(\$17,455)	(\$17,455)
Division of Licensing Trust Fund Out-of-State Publications	<u>(\$185,000)</u>	<u>(\$185,000)</u>
<b>Total Department Reduction in Expenditures</b>	<b><u>(\$202,455)</u></b>	<b><u>(\$202,455)</u></b>
<b>Department's Net Increase</b>	<b><u>\$144,735</u></b>	<b><u>\$144,735</u></b>

Pawnbroker: Weights and Measures, s. 539.001, F.S.: The department estimates there are less than a dozen pawnbrokers who are currently not using permitted scales. These pawnbrokers will incur an annual permit fee. The annual permit fee for one to five retail scales, with 0 to 100 pounds capacity, at one location is \$40.<sup>17</sup>

The Florida Department of Law Enforcement (FDLE) reports that implementing the changes to their criminal history mainframe system required by **Section 19** of this bill will require a nonrecurring appropriation of \$35,745 for Fiscal Year 2014–2015.<sup>18</sup> The appropriation is needed to hire a mainframe contract programmer and the additional hardware required by this bill. DACS agreed that this could be funded from the DACS Division of Licensing Trust Fund.<sup>19</sup>

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

<sup>17</sup> Section 531.62, F.S.; Rule 5F-5.002, F.A.C.

<sup>18</sup> Florida Department of Law Enforcement, 2014 FDLE Legislative Bill Analysis for BPRS 14-1, (Feb. 12, 2014) (on file with the Business & Professional Regulation Subcommittee)

<sup>19</sup> See Comments, Drafting Issues Section, relating to an amendment needed for this appropriation.

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The department estimates there are less than a dozen pawnbrokers who are currently not using permitted scales. These pawnbrokers will incur an annual permit fee. The annual permit fee for one to five retail scales, with 0 to 100 pounds capacity, at one location is \$40.<sup>20</sup>

D. FISCAL COMMENTS:

None.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

Novelty Payment Method Rulemaking Authority – The bill provides rulemaking authority to further define novelty payment methods should new types emerge following the restrictions placed on the currently defined methods.

Motor Oil Guidance – The bill requires the department to establish by rule guidelines and standards required in the labeling of motor oil offered for sale in the State.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Weights and Measures Used by Pawnbrokers, Section 539.001, F.S.

The current revisions to s. 539.001, F.S., are partially dependent on revisions to s. 570.971, F.S., in HB 7091. The language in Section 16 provides sufficient independent authority so that this bill may be enacted without being dependent upon the passage of HB 7091.

Access to Sealed Court Records for Concealed Weapon License Applications, Section 943.059, F.S.

FDLE reports that implementing this bill will require an amendment to include a nonrecurring appropriation of \$35,745 for Fiscal Year 2014-2015 to alter a current purpose code in the Computerized Criminal History mainframe system that provides sealed data.

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.





27 | telephone sellers from accepting specified payments;  
 28 | amending s. 501.913, F.S.; providing for expiration of  
 29 | antifreeze registration certificates; amending s.  
 30 | 525.16, F.S.; revising administrative fine provisions  
 31 | for gasoline and oil proprietors; creating s. 526.015,  
 32 | F.S.; prohibiting the sale and distribution of certain  
 33 | lubricating oil; amending s. 526.50, F.S.; deleting  
 34 | the definition of the term "permit year"; amending s.  
 35 | 526.51, F.S.; revising provisions for issuance and  
 36 | renewal of permits to sell brake fluid; amending s.  
 37 | 539.001, F.S.; revising administrative fine and civil  
 38 | penalty provisions for pawnbroking licensees;  
 39 | providing requirements for certain weight  
 40 | descriptions; providing for consumer claims against  
 41 | certain bonds posted by pawnbrokers; amending s.  
 42 | 559.929, F.S.; providing for consumer claims against  
 43 | certain bonds posted by sellers of travel; amending s.  
 44 | 570.07, F.S.; directing the Division of Licensing to  
 45 | provide certain service for administrative complaints  
 46 | served on licensees and to publish and post notice  
 47 | under certain conditions; amending s. 943.059, F.S.;  
 48 | requiring the subject of a sealed criminal history  
 49 | record to provide such information when applying for a  
 50 | concealed weapon or concealed firearm permit;  
 51 | providing applicability; amending ss. 205.1969 and  
 52 | 501.015, F.S.; conforming cross-references; providing

53 | an effective date.

54 |

55 | Be It Enacted by the Legislature of the State of Florida:

56 |

57 | Section 1. Paragraph (a) of subsection (1) of section  
58 | 493.6108, Florida Statutes, is amended to read:

59 | 493.6108 Investigation of applicants by Department of  
60 | Agriculture and Consumer Services.—

61 | (1) Except as otherwise provided, the department must  
62 | investigate an applicant for a license under this chapter before  
63 | it may issue the license. The investigation must include:

64 | (a)1. An examination of fingerprint records and police  
65 | records. If a criminal history record check of an ~~any~~ applicant  
66 | under this chapter is performed by means of fingerprint  
67 | identification, the time limitations prescribed by s. 120.60(1)  
68 | shall be tolled during the time the applicant's fingerprints are  
69 | under review by the Department of Law Enforcement or the United  
70 | States Department of Justice, Federal Bureau of Investigation.

71 | 2. If a legible set of fingerprints, as determined by the  
72 | Department of Law Enforcement or the Federal Bureau of  
73 | Investigation, cannot be obtained after two attempts, the  
74 | Department of Agriculture and Consumer Services may determine  
75 | the applicant's eligibility based upon a criminal history record  
76 | check under the applicant's name conducted by the Department of  
77 | Law Enforcement ~~if the fingerprints are taken by a law~~  
78 | ~~enforcement agency or the department and the applicant submits a~~

79 ~~written statement signed by the fingerprint technician or a~~  
80 ~~licensed physician stating that there is a physical condition~~  
81 ~~that precludes obtaining a legible set of fingerprints or that~~  
82 ~~the fingerprints taken are the best that can be obtained.~~

83 Section 2. Paragraph (b) of subsection (3) of section  
84 493.6113, Florida Statutes, is amended to read:

85 493.6113 Renewal application for licensure.—

86 (3) Each licensee is responsible for renewing his or her  
87 license on or before its expiration by filing with the  
88 department an application for renewal accompanied by payment of  
89 the prescribed license fee.

90 (b) Each Class "G" licensee shall additionally submit  
91 proof that he or she has received during each year of the  
92 license period a minimum of 4 hours of firearms recertification  
93 training taught by a Class "K" licensee and has complied with  
94 such other health and training requirements which the department  
95 shall adopt by rule. Proof of completion of firearms  
96 recertification training shall be submitted to the department  
97 upon completion of the training. If the licensee fails to  
98 complete documentation of completion of the required 4 hours of  
99 annual training during is not submitted by the end of the first  
100 year of the 2-year term of the license, the individual's license  
101 shall be automatically suspended until proof of the required  
102 training is submitted to the department. The licensee must  
103 complete the minimum number of hours of range and classroom  
104 training required at the time of initial licensure and submit

105 | proof of completion of such training to the department before  
 106 | the license may be reinstated. If the licensee fails to complete  
 107 | ~~documentation of completion of~~ the required 4 hours of annual  
 108 | training ~~during is not submitted by the end of~~ the second year  
 109 | of the 2-year term of the license, the licensee must complete  
 110 | ~~license shall not be renewed unless the renewal applicant~~  
 111 | ~~completes~~ the minimum number of hours of range and classroom  
 112 | training required at the time of initial licensure and submit  
 113 | proof of completion of such training to the department before  
 114 | the license may be renewed. The department may waive the  
 115 | firearms training requirement if:

116 |         1. The applicant provides proof that he or she is  
 117 | currently certified as a law enforcement officer or correctional  
 118 | officer under the Criminal Justice Standards and Training  
 119 | Commission and has completed law enforcement firearms  
 120 | requalification training annually during the previous 2 years of  
 121 | the licensure period;

122 |         2. The applicant provides proof that he or she is  
 123 | currently certified as a federal law enforcement officer and has  
 124 | received law enforcement firearms training administered by a  
 125 | federal law enforcement agency annually during the previous 2  
 126 | years of the licensure period; or

127 |         3. The applicant submits a valid firearm certificate among  
 128 | those specified in s. 493.6105(6)(a) and provides proof of  
 129 | having completed requalification training during the previous 2  
 130 | years of the licensure period.

131 Section 3. Subsection (6) of section 493.6115, Florida  
 132 Statutes, is amended to read:

133 493.6115 Weapons and firearms.—

134 (6) In addition to any other firearm approved by the  
 135 department, a licensee who has been issued a Class "G" license  
 136 may carry a .38 caliber revolver; or a .380 caliber or 9  
 137 millimeter semiautomatic pistol; or a .357 caliber revolver with  
 138 .38 caliber ammunition only; or a .40 caliber handgun; or a .45  
 139 ACP handgun while performing duties authorized under this  
 140 chapter. A ~~No~~ licensee may not carry more than two firearms upon  
 141 her or his person when performing her or his duties. A licensee  
 142 may only carry a firearm of the specific type and caliber with  
 143 which she or he is qualified pursuant to the firearms training  
 144 referenced in subsection (8) or s. 493.6113(3)(b).

145 Section 4. Subsection (4) is added to section 493.6305,  
 146 Florida Statutes, to read:

147 493.6305 Uniforms, required wear; exceptions.—

148 (4) Class "D" licensees who are also Class "G" licensees  
 149 and who are performing bodyguard or executive protection  
 150 services may carry their authorized firearm concealed while in  
 151 nonuniform as needed in the conduct of such services.

152 Section 5. Subsections (3) through (10) of section  
 153 501.016, Florida Statutes, are renumbered as subsections (5)  
 154 through (12), respectively, subsections (1) and (2) are amended,  
 155 and new subsections (3) and (4) are added to that section, to  
 156 read:

157 501.016 Health studios; security requirements.—Each health  
 158 studio that sells contracts for health studio services shall  
 159 meet the following requirements:

160 (1) Each health studio shall maintain for each separate  
 161 business location a bond issued by a surety company admitted to  
 162 do business in this state. The principal sum of the bond shall  
 163 be \$25,000, and the bond, when required, shall be obtained  
 164 before a business tax receipt may be issued under chapter 205.  
 165 Upon issuance of a business tax receipt, the licensing authority  
 166 shall immediately notify the department of such issuance in a  
 167 manner established by the department by rule. The bond shall be  
 168 in favor of the department ~~state~~ for the benefit of a any person  
 169 injured as a result of a violation of ss. 501.012-501.019.  
 170 Liability for injuries as a result of a violation of ss.  
 171 501.012-501.019 may be determined in an administrative  
 172 proceeding of the department or through a civil action in a  
 173 court of competent jurisdiction. However, claims against the  
 174 bond or certificate of deposit may only be paid by order of the  
 175 department in an administrative proceeding in amounts not to  
 176 exceed the determined liability for the injuries. The aggregate  
 177 liability of the surety to all persons for all breaches of the  
 178 conditions of the bonds provided herein shall in no event exceed  
 179 the amount of the bond. The original surety bond required by  
 180 this section shall be filed with the department on a form  
 181 adopted by rule of the department.

182 (2) In lieu of maintaining the bond required in subsection

183 (1), the health studio may furnish to the department on a form  
 184 adopted by rule of the department:

185 (a) An irrevocable letter of credit from a ~~any~~ foreign or  
 186 domestic bank in the amount of \$25,000; or

187 (b) A guaranty agreement that is secured by a certificate  
 188 of deposit in the amount of \$25,000.

189  
 190 The original letter of credit or certificate of deposit  
 191 submitted in lieu of the bond shall be filed with the  
 192 department. The department shall decide whether the security  
 193 furnished in lieu of bond by the health studio is in compliance  
 194 with the requirements of this section.

195 (3) A consumer may file a claim against the bond or other  
 196 form of security specified in subsection (1). The claim shall be  
 197 filed with the department on a form adopted by rule of the  
 198 department within 120 days after an alleged injury has occurred  
 199 or is discovered to have occurred or judgment has been obtained  
 200 by a court of competent jurisdiction. The proceedings shall be  
 201 held pursuant to chapter 120. For proceedings held pursuant to  
 202 ss. 120.569 and 120.57, the department shall act only as a  
 203 nominal party.

204 (4) Any indebtedness determined by final order of the  
 205 department shall be paid by the health studio to the department  
 206 within 30 days after the order is entered for disbursement to  
 207 the consumer. If the health studio fails to make payment within  
 208 30 days, the department shall make a demand for payment upon the



209 surety which includes an institution issuing a letter of credit  
 210 or depository on a certificate of deposit. Upon failure of a  
 211 surety to comply with a demand for payment pursuant to a final  
 212 order, the department may file an action in circuit court to  
 213 recover payment, not to exceed the amount of the bond or other  
 214 form of security, pursuant to s. 120.69. If the department  
 215 prevails in such action, the department may recover court costs  
 216 and reasonable attorney fees to be fixed and collected as a part  
 217 of the costs of the suit.

218 Section 6. Sections 501.057, 501.0571, 501.0573, 501.0575,  
 219 501.0577, 501.0579, 501.0581, 501.0583, and 501.143, Florida  
 220 Statutes, are repealed.

221 Section 7. Subsection (5) of section 501.059, Florida  
 222 Statutes, is amended to read:

223 501.059 Telephone solicitation.—

224 (5) A telephone solicitor or other person may not initiate  
 225 an outbound telephone call to a consumer or donor or potential  
 226 donor who has previously communicated to the telephone solicitor  
 227 or other person that he or she does not wish to receive an  
 228 outbound telephone call:

229 (a) Made by or on behalf of the seller whose goods or  
 230 services are being offered; or

231 (b) Made on behalf of a charitable organization for which  
 232 a charitable contribution is being solicited.

233 Section 8. Subsections (8) through (11) of section  
 234 501.603, Florida Statutes, are renumbered as subsections (9)

235 through (12), respectively, and a new subsection (8) is added to  
 236 that section, to read:

237 501.603 Definitions.—As used in this part, unless the  
 238 context otherwise requires, the term:

239 (8) "Novelty payment" means a payment method that does not  
 240 provide systematic monitoring to detect and deter fraud,  
 241 including, but not limited to, a remotely created check, a  
 242 remotely created payment order, a cash-to-cash transfer, or a  
 243 cash reload mechanism. As used in this subsection, the term:

244 (a) "Remotely created check" means a check that is not  
 245 created by the paying bank and that is not purported to be  
 246 signed by the person on whose account the check is drawn.

247 (b) "Remotely created payment order" means a payment  
 248 instruction or order drawn on a person's account that is  
 249 initiated or created by the payee and that is not purported to  
 250 be signed by the person on whose account the order is drawn, and  
 251 which is cleared through a check-clearing system.

252 (c) "Cash-to-cash transfer" means the electronic transfer  
 253 of the value of cash received from one person to another person  
 254 in a different location which is sent by a money transfer  
 255 provider and received in the form of cash. For purposes of this  
 256 paragraph, the term "money transfer provider" means a person or  
 257 financial institution that provides cash-to-cash money transfers  
 258 for a person in the normal course of its business, whether or  
 259 not the person holds an account with such person or financial  
 260 institution.

261 (d) "Cash reload mechanism" means a mechanism that  
 262 converts cash into an electronic form that a person can use to  
 263 add money to a general-use prepaid card or an online account  
 264 with a payment intermediary. For purposes of this paragraph, a  
 265 cash reload mechanism is purchased by a person on a prepaid  
 266 basis, enables access to the funds via an authorization code or  
 267 other security measure, and is not itself a general-use prepaid  
 268 card.

269 Section 9. Section 501.611, Florida Statutes, is amended  
 270 to read:

271 501.611 Security.—

272 (1) An application filed pursuant to s. 501.605 must be  
 273 accompanied by:

274 (a) A bond executed by a corporate surety approved by the  
 275 department and licensed to do business in this state;

276 (b) An irrevocable letter of credit issued for the benefit  
 277 of the applicant by a bank whose deposits are insured by an  
 278 agency of the Federal Government; or

279 (c) A certificate of deposit in a financial institution  
 280 insured by an agency of the Federal Government, which may be  
 281 withdrawn only on the order of the department, except that the  
 282 interest may accrue to the applicant.

283 (2) The amount of the bond, letter of credit, or  
 284 certificate of deposit must be a minimum of \$50,000, and the  
 285 bond, letter of credit, or certificate of deposit shall be in  
 286 favor of the department for the use and benefit of a purchaser

287 who is injured by the fraud, misrepresentation, breach of  
 288 contract, financial failure, or violation of this part by the  
 289 applicant ~~must be conditioned upon compliance by the applicant~~  
 290 ~~with the provisions of this part.~~ The department may, at its  
 291 discretion, establish a bond of a greater amount to ensure the  
 292 general welfare of the public and the interests of the  
 293 telemarketing industry.

294 (3) The bond shall be posted with the department on a form  
 295 adopted by rule of the department and shall remain in force  
 296 throughout the period of licensure with the department.

297 (4) The department or a ~~any~~ governmental agency, on behalf  
 298 of an ~~any~~ injured purchaser or a ~~any~~ purchaser herself or  
 299 himself who is injured by ~~the bankruptcy of the applicant or her~~  
 300 ~~or his breach of any agreement entered into in her or his~~  
 301 ~~capacity as a licensee,~~ may bring and maintain an action to  
 302 recover against the bond, letter of credit, or certificate of  
 303 deposit.

304 (5) A consumer may file a claim against the bond or other  
 305 form of security specified in subsection (2). The claim shall be  
 306 filed with the department on a form adopted by rule of the  
 307 department within 120 days after an alleged injury has occurred  
 308 or is discovered to have occurred or judgment has been obtained  
 309 by a court of competent jurisdiction. The proceedings shall be  
 310 held pursuant to chapter 120. For proceedings held pursuant to  
 311 ss. 120.569 and 120.57, the department shall act only as a  
 312 nominal party.

313       (6) Any indebtedness determined by final order of the  
 314 department shall be paid by the commercial telephone seller to  
 315 the department within 30 days after the order is entered for  
 316 disbursement to the consumer. If the commercial telephone seller  
 317 fails to make payment within 30 days, the department shall make  
 318 a demand for payment upon the surety which includes an  
 319 institution issuing a letter of credit or depository on a  
 320 certificate of deposit. Upon failure of a surety to comply with  
 321 a demand for payment pursuant to a final order, the department  
 322 may file an action in circuit court to recover payment, not to  
 323 exceed the amount of the bond or other form of security,  
 324 pursuant to s. 120.69. If the department prevails, the  
 325 department may recover court costs and reasonable attorney fees  
 326 to be fixed and collected as a part of the costs of the suit.

327       Section 10. Subsection (1) of section 501.616, Florida  
 328 Statutes, is amended to read:

329       501.616 Unlawful acts and practices.-

330       (1) A ~~It shall be unlawful for any commercial telephone~~  
 331 ~~seller or salesperson may not directly or indirectly accept a~~  
 332 ~~novelty payment, as defined in s. 501.603(8) or by rule of the~~  
 333 ~~department, as payment for goods or services offered or sold~~  
 334 ~~through telemarketing to require that payment be by credit card~~  
 335 ~~authorization or otherwise to announce a preference for that~~  
 336 ~~method of payment.~~

337       Section 11. Subsection (1) of section 501.913, Florida  
 338 Statutes, is amended to read:

339 501.913 Registration.—

340 (1) Each brand of antifreeze to be distributed in this  
 341 state shall be registered with the department before  
 342 distribution. The person whose name appears on the label, the  
 343 manufacturer, or the packager shall make application annually to  
 344 the department on forms provided by the department ~~no later than~~  
 345 ~~July 1 of each year.~~ The registration certificate shall expire  
 346 12 months after the date of issue. The registrant assumes, by  
 347 application to register the brand, full responsibility for the  
 348 registration, quality, and quantity of the product sold,  
 349 offered, or exposed for sale in this state. If a registered  
 350 brand is not in production for distribution in this state and to  
 351 ensure any remaining product that is still available for sale in  
 352 the state is properly registered, the registrant must submit a  
 353 notarized affidavit on company letterhead to the department  
 354 certifying that:

355 (a) The stated brand is no longer in production;

356 (b) The stated brand will not be distributed in this  
 357 state; and

358 (c) All existing product of the stated brand will be  
 359 removed by the registrant from the state within 30 days after  
 360 expiration of the registration or the registrant will reregister  
 361 the brand for two subsequent registration periods.

362

363 If production resumes, the brand must be reregistered before it  
 364 is distributed in this state.

365 Section 12. Paragraph (b) of subsection (1) of section  
 366 525.16, Florida Statutes, is amended to read:

367 525.16 Administrative fine; penalties; prosecution of  
 368 cases by state attorney.—

369 (1)

370 (b) If, 3 years after the date ~~day of issuance~~ of the last  
 371 ~~stop-sale order for a~~ violation under this chapter, a ~~no~~ new  
 372 violation has not occurred at the same location during the  
 373 proprietorship of the same person, all previous fines shall be  
 374 disregarded when administering a fine for the next violation.

375 Section 13. Section 526.015, Florida Statutes, is created  
 376 to read:

377 526.015 Lubricating oil standards and labeling  
 378 requirements.—

379 (1) It is unlawful to sell or distribute, or offer for  
 380 sale or distribution, a lubricating oil that fails to meet the  
 381 standards or labeling requirements adopted by rule of the  
 382 department.

383 (2) A product that fails to meet the standards or labeling  
 384 requirements adopted by rule of the department shall be placed  
 385 under a stop-sale order by the department and the lot of the  
 386 product shall be identified and tagged by the department to  
 387 prohibit sale of the product. A product that has been placed  
 388 under a stop-sale order may not be sold or distributed or  
 389 offered for sale or distribution.

390 (3) The department shall issue a release order if the

391 product is made to conform to standards and labeling  
 392 requirements adopted by rule of the department or removed from  
 393 the premises in a manner approved by the department.

394 Section 14. Subsection (6) of section 526.50, Florida  
 395 Statutes, is amended to read:

396 526.50 Definition of terms.—As used in this part:

397 ~~(6) "Permit year" means a period of 12 months commencing~~  
 398 ~~July 1 and ending on the next succeeding June 30.~~

399 Section 15. Subsection (1) of section 526.51, Florida  
 400 Statutes, is amended to read:

401 526.51 Registration; renewal and fees; departmental  
 402 expenses; cancellation or refusal to issue or renew.—

403 (1)(a) Application for registration of each brand of brake  
 404 fluid shall be made on forms supplied by the department. The  
 405 applicant shall give his or her name and address and the brand  
 406 name of the brake fluid, state that he or she owns the brand  
 407 name and has complete control over the product sold thereunder  
 408 in this state, and provide the name and address of the resident  
 409 agent in this state. If the applicant does not own the brand  
 410 name but wishes to register the product with the department, a  
 411 notarized affidavit that gives the applicant full authorization  
 412 to register the brand name and that is signed by the owner of  
 413 the brand name must accompany the application for registration.  
 414 The affidavit must include all affected brand names, the owner's  
 415 company or corporate name and address, the applicant's company  
 416 or corporate name and address, and a statement from the owner



417 | authorizing the applicant to register the product with the  
 418 | department. The owner of the brand name shall maintain complete  
 419 | control over each product sold under that brand name in this  
 420 | state. All first-time applications for a brand and formula  
 421 | combination must be accompanied by a certified report from an  
 422 | independent testing laboratory, setting forth the analysis of  
 423 | the brake fluid which shows its quality to be not less than the  
 424 | specifications established by the department for brake fluids. A  
 425 | sample of not less than 24 fluid ounces of brake fluid shall be  
 426 | submitted, in a container or containers, with labels  
 427 | representing exactly how the containers of brake fluid will be  
 428 | labeled when sold, and the sample and container shall be  
 429 | analyzed and inspected by the department in order that  
 430 | compliance with the department's specifications and labeling  
 431 | requirements may be verified. Upon approval of the application,  
 432 | the department shall register the brand name of the brake fluid  
 433 | and issue to the applicant a permit authorizing the registrant  
 434 | to sell the brake fluid in this state ~~during the permit year~~  
 435 | ~~specified in the permit.~~ The registration certificate shall  
 436 | expire 12 months after the date of issue.

437 | (b) Each applicant shall pay a fee of \$100 with each  
 438 | application. A permit may be renewed by application to the  
 439 | department, accompanied by a renewal fee of \$50 on or before the  
 440 | expiration last day of the previously issued permit year  
 441 | ~~immediately preceding the permit year for which application is~~  
 442 | ~~made for renewal of registration.~~ To reregister a previously

443 registered brand and formula combination, an applicant must  
 444 submit a completed application and all materials as required in  
 445 this section to the department before the expiration ~~first day~~  
 446 of the previously issued permit ~~year~~. A brand and formula  
 447 combination for which a completed application and all materials  
 448 required in this section are not received before the expiration  
 449 ~~first day~~ of the previously issued permit ~~year~~ may not be  
 450 registered with the department until a completed application and  
 451 all materials required in this section have been received and  
 452 approved. If the brand and formula combination was previously  
 453 registered with the department and a fee, application, or  
 454 materials required in this section are received after the  
 455 expiration ~~first day~~ of the previously issued permit ~~year~~, a  
 456 penalty of \$25 accrues, which shall be added to the fee.  
 457 Renewals shall be accepted only on brake fluids that have no  
 458 change in formula, composition, or brand name. Any change in  
 459 formula, composition, or brand name of a any brake fluid  
 460 constitutes a new product that must be registered in accordance  
 461 with this part.

462 (c) In order to ensure that any remaining product still  
 463 available for sale in this state is properly registered, if a  
 464 registered brand and formula combination is no longer in  
 465 production for distribution in this state, the registrant must  
 466 submit a notarized affidavit on company letterhead to the  
 467 department certifying that:

468 1. The stated brand and formula combination is no longer

469 in production;

470 2. The stated brand and formula combination will not be  
471 distributed in this state; and

472 3. All existing product of the stated brand and formula  
473 combination will be removed by the registrant from the state  
474 within 30 days after the expiration of the registration or that  
475 the registrant will reregister the brand and formula combination  
476 for two subsequent years ~~registration periods~~.

477  
478 If production resumes, the brand and formula combination must be  
479 reregistered before it is again distributed in this state.

480 Section 16. Subsections (16) through (21) of section  
481 539.001, Florida Statutes, are renumbered as subsections (17)  
482 through (22), respectively, paragraph (a) of subsection (4),  
483 paragraphs (b) and (d) of subsection (7), and paragraph (b) of  
484 subsection (8) of that section are amended, and a new subsection  
485 (16) is added to that section, to read:

486 539.001 The Florida Pawnbroking Act.—

487 (4) ELIGIBILITY FOR LICENSE.—

488 (a) To be eligible for a pawnbroker's license, an  
489 applicant must:

490 1. Be of good moral character;

491 2. Have a net worth of at least \$50,000 or file with the  
492 agency a bond issued by a surety company qualified to do  
493 business in this state in the amount of \$10,000 for each  
494 license. In lieu of the bond required in this section, the

495 applicant may establish a certificate of deposit or an  
 496 irrevocable letter of credit in a Florida banking institution in  
 497 the amount of the bond. The original bond, certificate of  
 498 deposit, or letter of credit shall be filed with the agency on a  
 499 form adopted by rule of the agency, and the agency shall be the  
 500 beneficiary to said document. The bond, certificate of deposit,  
 501 or letter of credit shall be in favor of the agency for the use  
 502 and benefit of a ~~any~~ consumer who is injured by the fraud,  
 503 misrepresentation, breach of contract, financial failure, or  
 504 violation ~~of any provision of~~ this section by the pawnbroker.  
 505 Such liability may be enforced ~~either~~ by proceeding in an  
 506 administrative action or by filing a judicial suit at law in a  
 507 court of competent jurisdiction. However, in such court suit,  
 508 the bond, certificate of deposit, or letter of credit posted  
 509 with the agency shall not be amenable or subject to a ~~any~~  
 510 judgment or other legal process issuing out of or from such  
 511 court in connection with such lawsuit, but such bond,  
 512 certificate of deposit, or letter of credit shall be amenable to  
 513 and enforceable only by and through administrative proceedings  
 514 before the agency. It is the intent of the Legislature that such  
 515 bond, certificate of deposit, or letter of credit shall be  
 516 applicable and liable only for the payment of claims duly  
 517 adjudicated by order of the agency. The bond, certificate of  
 518 deposit, or letter of credit shall be payable on a pro rata  
 519 basis as determined by the agency, but the aggregate amount may  
 520 not exceed the amount of the bond, certificate of deposit, or

521 letter of credit;

522 3. Not have been convicted of, or found guilty of, or pled  
 523 guilty or nolo contendere to, or not have been incarcerated  
 524 within the last 10 years as a result of having previously been  
 525 convicted of, or found guilty of, or pled guilty or nolo  
 526 contendere to, regardless of adjudication, a felony within the  
 527 last 10 years and not be acting as a beneficial owner for  
 528 someone who has been convicted of, or found guilty of, or pled  
 529 guilty or nolo contendere to, regardless of adjudication, a  
 530 felony within the last 10 years; and

531 4. Not have been convicted of, or found guilty of, or pled  
 532 guilty or nolo contendere to, or not have been incarcerated  
 533 within the last 10 years as a result of having previously been  
 534 convicted of, or found guilty of, or pled guilty or nolo  
 535 contendere to, regardless of adjudication, a crime that involves  
 536 theft, larceny, dealing in stolen property, receiving stolen  
 537 property, burglary, embezzlement, obtaining property by false  
 538 pretenses, possession of altered property, or any other  
 539 fraudulent or dishonest dealing within the last 10 years, and  
 540 not be acting as a beneficial owner for someone who has been  
 541 convicted, of, or found guilty of, or pled guilty or nolo  
 542 contendere to, or has been incarcerated within the last 10 years  
 543 as a result of having previously been convicted of, or found  
 544 guilty of, or pled guilty or nolo contendere to, regardless of  
 545 adjudication, a crime that involves theft, larceny, dealing in  
 546 stolen property, receiving stolen property, burglary,

547 | embezzlement, obtaining property by false pretenses, possession  
 548 | of altered property, or any other fraudulent or dishonest  
 549 | dealing within the last 10 years.

550 | (7) ORDERS IMPOSING PENALTIES.—

551 | (b) Upon a finding as set forth in paragraph (a), the  
 552 | agency may enter an order doing one or more of the following:

553 | 1. Issuing a notice of noncompliance pursuant to s.  
 554 | 120.695.

555 | 2. Imposing an administrative fine not to exceed \$5,000 or  
 556 | the maximum fine amount in the Class II category pursuant to s.  
 557 | 570.971, whichever is greater, for each ~~act which constitutes a~~  
 558 | violation of this section or a rule or an order.

559 | 3. Directing that the pawnbroker cease and desist  
 560 | specified activities.

561 | 4. Refusing to license or revoking or suspending a  
 562 | license.

563 | 5. Placing the licensee on probation for a period of time,  
 564 | subject to such conditions as the agency may specify.

565 | (d)1. When the agency, if a violation of this section  
 566 | occurs, has reasonable cause to believe that a person is  
 567 | operating in violation of this section, the agency may bring a  
 568 | civil action in the appropriate court for temporary or permanent  
 569 | injunctive relief and may seek other appropriate civil relief,  
 570 | including a civil penalty not to exceed \$5,000 or the maximum  
 571 | fine amount in the Class II category pursuant to s. 570.971,  
 572 | whichever is greater, for each violation, restitution and

573 damages for injured customers, court costs, and reasonable  
 574 attorney ~~attorney's~~ fees.

575 2. The agency may terminate an ~~any~~ investigation or action  
 576 upon agreement by the offender to pay a stipulated civil  
 577 penalty, to make restitution or pay damages to customers, or to  
 578 satisfy any other relief authorized under this subsection ~~herein~~  
 579 and requested by the agency.

580 (8) PAWNBROKER TRANSACTION FORM.—

581 (b) The front of the pawnbroker transaction form must  
 582 include:

583 1. The name and address of the pawnshop.

584 2. A complete and accurate description of the pledged  
 585 goods or purchased goods, including the following information,  
 586 if applicable:

587 a. Brand name.

588 b. Model number.

589 c. Manufacturer's serial number.

590 d. Size.

591 e. Color, as apparent to the untrained eye.

592 f. Precious metal type, weight, and content, if known.

593 Weight must be obtained from a device that has been approved by  
 594 the agency and that complies with ss. 531.39 and 531.40 and  
 595 other applicable provisions of chapter 531.

596 g. Gemstone description, including the number of stones.

597 h. In the case of firearms, the type of action, caliber or  
 598 gauge, number of barrels, barrel length, and finish.

599 i. Any other unique identifying marks, numbers, names, or  
600 letters.

601

602 Notwithstanding sub-subparagraphs a.-i., in the case of multiple  
603 items of a similar nature delivered together in one transaction  
604 which do not bear serial or model numbers and which do not  
605 include precious metal or gemstones, such as musical or video  
606 recordings, books, and hand tools, the description of the items  
607 is adequate if it contains the quantity of items and a  
608 description of the type of items delivered.

609 3. The name, address, home telephone number, place of  
610 employment, date of birth, physical description, and right  
611 thumbprint of the pledgor or seller.

612 4. The date and time of the transaction.

613 5. The type of identification accepted from the pledgor or  
614 seller, including the issuing agency and the identification  
615 number.

616 6. In the case of a pawn:

617 a. The amount of money advanced, which must be designated  
618 as the amount financed;

619 b. The maturity date of the pawn, which must be 30 days  
620 after the date of the pawn;

621 c. The default date of the pawn and the amount due on the  
622 default date;

623 d. The total pawn service charge payable on the maturity  
624 date, which must be designated as the finance charge;



625 e. The amount financed plus the finance charge that must  
 626 be paid to redeem the pledged goods on the maturity date, which  
 627 must be designated as the total of payments;

628 f. The annual percentage rate, computed according to the  
 629 regulations adopted by the Federal Reserve Board under the  
 630 federal Truth in Lending Act; and

631 g. The front or back of the pawnbroker transaction form  
 632 must include a statement that:

633 (I) Any personal property pledged to a pawnbroker within  
 634 this state which is not redeemed within 30 days following the  
 635 maturity date of the pawn, if the 30th day is not a business  
 636 day, then the following business day, is automatically forfeited  
 637 to the pawnbroker, and absolute right, title, and interest in  
 638 and to the property vests in and is deemed conveyed to the  
 639 pawnbroker by operation of law, and no further notice is  
 640 necessary;

641 (II) The pledgor is not obligated to redeem the pledged  
 642 goods; and

643 (III) If the pawnbroker transaction form is lost,  
 644 destroyed, or stolen, the pledgor must immediately advise the  
 645 issuing pawnbroker in writing by certified or registered mail,  
 646 return receipt requested, or in person evidenced by a signed  
 647 receipt.

648 (IV) A pawn may be extended upon mutual agreement of the  
 649 parties.

650 7. In the case of a purchase, the amount of money paid for

651 the goods or the monetary value assigned to the goods in  
 652 connection with the transaction.

653 8. A statement that the pledgor or seller of the item  
 654 represents and warrants that it is not stolen, that it has no  
 655 liens or encumbrances against it, and that the pledgor or seller  
 656 is the rightful owner of the goods and has the right to enter  
 657 into the transaction.

658 A ~~Any~~ person who knowingly gives false verification of ownership  
 659 or gives a false or altered identification and who receives  
 660 money from a pawnbroker for goods sold or pledged commits:

661 a. If the value of the money received is less than \$300, a  
 662 felony of the third degree, punishable as provided in s.  
 663 775.082, s. 775.083, or s. 775.084.

664 b. If the value of the money received is \$300 or more, a  
 665 felony of the second degree, punishable as provided in s.  
 666 775.082, s. 775.083, or s. 775.084.

667 (16) CLAIMS AGAINST SECURITIES FILED WITH AGENCY.-

668 (a) A consumer may file a claim against the bond or other  
 669 form of security specified in subsection (4). The claim shall be  
 670 filed with the agency on a form adopted by rule of the agency  
 671 within 120 days after an alleged injury has occurred or is  
 672 discovered to have occurred or judgment has been obtained by a  
 673 court of competent jurisdiction. The proceedings shall be held  
 674 pursuant to chapter 120. For proceedings held pursuant to ss.  
 675 120.569 and 120.57, the agency shall act only as a nominal  
 676 party.

677           (b) Indebtedness determined by final order of the agency  
 678 shall be paid by the pawnbroker to the agency within 30 days  
 679 after the order is entered for disbursement to the consumer. If  
 680 the pawnbroker fails to make payment within 30 days, the agency  
 681 shall make a demand for payment upon the surety which includes  
 682 an institution issuing a letter of credit or depository on a  
 683 certificate of deposit. Upon failure of a surety to comply with  
 684 a demand for payment pursuant to a final order, the agency may  
 685 file an action in circuit court to recover payment, not to  
 686 exceed the amount of the bond or other form of security,  
 687 pursuant to s. 120.69. If the agency prevails in such action,  
 688 the agency may recover court costs and reasonable attorney fees  
 689 to be fixed and collected as a part of the costs of the suit.

690           Section 17. Subsections (4) and (5) of section 559.929,  
 691 Florida Statutes, are renumbered as subsections (5) and (6),  
 692 respectively, subsections (2) and (3) are amended, and a new  
 693 subsection (4) is added to that section, to read:

694           559.929 Security requirements.—

695           (2) The bond shall be filed with the department on a form  
 696 adopted by rule of the department and shall be in favor of the  
 697 department for the use and benefit of a ~~any~~ traveler who is  
 698 injured by the fraud, misrepresentation, breach of contract,  
 699 financial failure, or violation of ~~any provision of~~ this part by  
 700 the seller of travel. Such liability may be enforced ~~either~~ by  
 701 proceeding in an administrative action as specified in  
 702 subsection (3) or by filing a judicial suit at law in a court of

703 competent jurisdiction. However, in such court suit the bond  
 704 posted with the department shall not be amenable or subject to a  
 705 ~~any~~ judgment or other legal process issuing out of or from such  
 706 court in connection with such lawsuit, but such bond shall be  
 707 amenable to and enforceable only by and through administrative  
 708 proceedings before the department. It is the intent of the  
 709 Legislature that such bond shall be applicable and liable only  
 710 for the payment of claims duly adjudicated by order of the  
 711 department. The bond shall be open to successive claims, but the  
 712 aggregate amount may not exceed the amount of the bond. In  
 713 addition to the foregoing, a bond provided by a registrant or  
 714 applicant for registration which certifies its business  
 715 activities under s. 559.9285(1)(b) or (c) shall be in favor of  
 716 the department, with payment in the following order of priority:

717 (a) All expenses for prosecuting the registrant or  
 718 applicant in an ~~any~~ administrative or civil action under this  
 719 part, including fees for attorneys and other professionals,  
 720 court costs or other costs of the proceedings, and all other  
 721 expenses incidental to the action.

722 (b) All costs and expenses of investigation before ~~prior~~  
 723 ~~to~~ the commencement of an administrative or civil action under  
 724 this part.

725 (c) An ~~Any~~ unpaid administrative fine imposed by final  
 726 order or an ~~any~~ unpaid civil penalty imposed by final judgment  
 727 under this part.

728 (d) Damages or compensation for a ~~any~~ traveler injured as

729 provided in this subsection.

730 (3) A ~~Any~~ traveler may file a claim against the bond  
 731 specified in subsection (2). The claim shall be filed with the  
 732 department on a form adopted by rule of ~~which shall be made in~~  
 733 ~~writing to~~ the department within 120 days after an alleged  
 734 injury has occurred or is discovered to have occurred ~~or~~  
 735 judgment has been obtained by a court of competent jurisdiction.  
 736 The proceedings shall be held pursuant to chapter 120. For ~~The~~  
 737 proceedings ~~shall be held pursuant to in accordance with~~ ss.  
 738 120.569 and 120.57, the agency shall act only as a nominal  
 739 party.

740 (4) Indebtedness determined by final order of the  
 741 department shall be paid by the seller of travel to the  
 742 department within 30 days after the order is entered for  
 743 disbursement to the consumer. If the seller of travel fails to  
 744 make payment within 30 days, the agency shall make a demand for  
 745 payment upon the surety which includes an institution issuing a  
 746 letter of credit or depository on a certificate of deposit. Upon  
 747 failure of a surety to comply with a demand for payment pursuant  
 748 to a final order, the department may file an action in circuit  
 749 court to recover payment, not to exceed the amount of the bond  
 750 or other form of security, pursuant to s. 120.69. If the  
 751 department prevails, the department may recover court costs and  
 752 reasonable attorney fees to be fixed and collected as a part of  
 753 the costs of the suit.

754 Section 18. Subsection (43) is added to section 570.07,

755 Florida Statutes, to read:

756 570.07 Department of Agriculture and Consumer Services;  
 757 functions, powers, and duties.—The department shall have and  
 758 exercise the following functions, powers, and duties:

759 (43) (a) Notwithstanding any other provision of law, when  
 760 an administrative complaint is served on a licensee of the  
 761 Division of Licensing pursuant to s. 790.06, the division shall  
 762 provide service by regular mail to the licensee's last known  
 763 address of record, by certified mail to the last known address  
 764 of record, and, if possible, by e-mail.

765 (b) If service under paragraph (a) does not provide the  
 766 division with proof of service and the division has an address  
 767 in another state or a foreign territory or country on file for  
 768 the individual, the division shall call, if available, the last  
 769 known telephone number of record, shall publish notice in a  
 770 newspaper of general circulation in Leon County, and shall cause  
 771 a short, plain notice to the license to be posted on the  
 772 homepage of the department's website.

773 Section 19. Subsection (4) of section 943.059, Florida  
 774 Statutes, is amended to read:

775 943.059 Court-ordered sealing of criminal history  
 776 records.—The courts of this state shall continue to have  
 777 jurisdiction over their own procedures, including the  
 778 maintenance, sealing, and correction of judicial records  
 779 containing criminal history information to the extent such  
 780 procedures are not inconsistent with the conditions,

781 | responsibilities, and duties established by this section. Any  
 782 | court of competent jurisdiction may order a criminal justice  
 783 | agency to seal the criminal history record of a minor or an  
 784 | adult who complies with the requirements of this section. The  
 785 | court shall not order a criminal justice agency to seal a  
 786 | criminal history record until the person seeking to seal a  
 787 | criminal history record has applied for and received a  
 788 | certificate of eligibility for sealing pursuant to subsection  
 789 | (2). A criminal history record that relates to a violation of s.  
 790 | 393.135, s. 394.4593, s. 787.025, chapter 794, s. 796.03, s.  
 791 | 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071, chapter  
 792 | 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135, s.  
 793 | 916.1075, a violation enumerated in s. 907.041, or any violation  
 794 | specified as a predicate offense for registration as a sexual  
 795 | predator pursuant to s. 775.21, without regard to whether that  
 796 | offense alone is sufficient to require such registration, or for  
 797 | registration as a sexual offender pursuant to s. 943.0435, may  
 798 | not be sealed, without regard to whether adjudication was  
 799 | withheld, if the defendant was found guilty of or pled guilty or  
 800 | nolo contendere to the offense, or if the defendant, as a minor,  
 801 | was found to have committed or pled guilty or nolo contendere to  
 802 | committing the offense as a delinquent act. The court may only  
 803 | order sealing of a criminal history record pertaining to one  
 804 | arrest or one incident of alleged criminal activity, except as  
 805 | provided in this section. The court may, at its sole discretion,  
 806 | order the sealing of a criminal history record pertaining to

807 | more than one arrest if the additional arrests directly relate  
 808 | to the original arrest. If the court intends to order the  
 809 | sealing of records pertaining to such additional arrests, such  
 810 | intent must be specified in the order. A criminal justice agency  
 811 | may not seal any record pertaining to such additional arrests if  
 812 | the order to seal does not articulate the intention of the court  
 813 | to seal records pertaining to more than one arrest. This section  
 814 | does not prevent the court from ordering the sealing of only a  
 815 | portion of a criminal history record pertaining to one arrest or  
 816 | one incident of alleged criminal activity. Notwithstanding any  
 817 | law to the contrary, a criminal justice agency may comply with  
 818 | laws, court orders, and official requests of other jurisdictions  
 819 | relating to sealing, correction, or confidential handling of  
 820 | criminal history records or information derived therefrom. This  
 821 | section does not confer any right to the sealing of any criminal  
 822 | history record, and any request for sealing a criminal history  
 823 | record may be denied at the sole discretion of the court.

824 |       (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal  
 825 | history record of a minor or an adult which is ordered sealed by  
 826 | a court of competent jurisdiction pursuant to this section is  
 827 | confidential and exempt from the provisions of s. 119.07(1) and  
 828 | s. 24(a), Art. I of the State Constitution and is available only  
 829 | to the person who is the subject of the record, to the subject's  
 830 | attorney, to criminal justice agencies for their respective  
 831 | criminal justice purposes, which include conducting a criminal  
 832 | history background check for approval of firearms purchases or



833 transfers as authorized by state or federal law, to judges in  
 834 the state courts system for the purpose of assisting them in  
 835 their case-related decisionmaking responsibilities, as set forth  
 836 in s. 943.053(5), or to those entities set forth in  
 837 subparagraphs (a)1., 4., 5., 6., and 8. ~~and 8.~~ for their  
 838 respective licensing, access authorization, and employment  
 839 purposes.

840 (a) The subject of a criminal history record sealed under  
 841 this section or under other provisions of law, including former  
 842 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully  
 843 deny or fail to acknowledge the arrests covered by the sealed  
 844 record, except when the subject of the record:

- 845 1. Is a candidate for employment with a criminal justice  
 846 agency;
- 847 2. Is a defendant in a criminal prosecution;
- 848 3. Concurrently or subsequently petitions for relief under  
 849 this section, s. 943.0583, or s. 943.0585;
- 850 4. Is a candidate for admission to The Florida Bar;
- 851 5. Is seeking to be employed or licensed by or to contract  
 852 with the Department of Children and Families, the Division of  
 853 Vocational Rehabilitation within the Department of Education,  
 854 the Agency for Health Care Administration, the Agency for  
 855 Persons with Disabilities, the Department of Health, the  
 856 Department of Elderly Affairs, or the Department of Juvenile  
 857 Justice or to be employed or used by such contractor or licensee  
 858 in a sensitive position having direct contact with children, the

859 disabled, or the elderly;

860 6. Is seeking to be employed or licensed by the Department  
 861 of Education, a ~~any~~ district school board, a ~~any~~ university  
 862 laboratory school, a ~~any~~ charter school, a ~~any~~ private or  
 863 parochial school, or a ~~any~~ local governmental entity that  
 864 licenses child care facilities; ~~or~~

865 7. Is attempting to purchase a firearm from a licensed  
 866 importer, licensed manufacturer, or licensed dealer and is  
 867 subject to a criminal history check under state or federal law;  
 868 or

869 8. Is seeking to be licensed by the Bureau of License  
 870 Issuance of the Division of Licensing within the Department of  
 871 Agriculture and Consumer Services to carry a concealed weapon or  
 872 concealed firearm. This subparagraph applies only in the  
 873 determination of an applicant's eligibility under s. 790.06.

874 (b) Subject to the exceptions in paragraph (a), a person  
 875 who has been granted a sealing under this section, former s.  
 876 893.14, former s. 901.33, or former s. 943.058 may not be held  
 877 under any provision of law of this state to commit perjury or to  
 878 be otherwise liable for giving a false statement by reason of  
 879 such person's failure to recite or acknowledge a sealed criminal  
 880 history record.

881 (c) Information relating to the existence of a sealed  
 882 criminal record provided in accordance with the provisions of  
 883 paragraph (a) is confidential and exempt from the provisions of  
 884 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,

885 | except that the department shall disclose the sealed criminal  
 886 | history record to the entities set forth in subparagraphs (a)1.,  
 887 | 4., 5., 6., and 8., ~~and 8.~~ for their respective licensing,  
 888 | access authorization, and employment purposes. It is unlawful  
 889 | for any employee of an entity set forth in subparagraph (a)1.,  
 890 | subparagraph (a)4., subparagraph (a)5., subparagraph (a)6., or  
 891 | subparagraph (a)8. ~~subparagraph (a)8.~~ to disclose information  
 892 | relating to the existence of a sealed criminal history record of  
 893 | a person seeking employment, access authorization, or licensure  
 894 | with such entity or contractor, except to the person to whom the  
 895 | criminal history record relates or to persons having direct  
 896 | responsibility for employment, access authorization, or  
 897 | licensure decisions. Any person who violates the provisions of  
 898 | this paragraph commits a misdemeanor of the first degree,  
 899 | punishable as provided in s. 775.082 or s. 775.083.

900 |         Section 20. Section 205.1969, Florida Statutes, is amended  
 901 | to read:

902 |         205.1969 Health studios; consumer protection.—A county or  
 903 | municipality may not issue or renew a business tax receipt for  
 904 | the operation of a health studio pursuant to ss. 501.012-501.019  
 905 | ~~or ballroom dance studio pursuant to s. 501.143~~, unless such  
 906 | business exhibits a current license, registration, or letter of  
 907 | exemption from the Department of Agriculture and Consumer  
 908 | Services.

909 |         Section 21. Subsection (6) of section 501.015, Florida  
 910 | Statutes, is amended to read:

HB 7051

2014

911           501.015 Health studios; registration requirements and  
912 fees.—Each health studio shall:

913           (6) Be considered a new health studio and shall be subject  
914 to the requirements of s. 501.016 each time the health studio  
915 changes ownership or, in the case of corporate ownership, each  
916 time the stock ownership is changed so as to effectively put the  
917 health studio under new management or control, notwithstanding  
918 the provisions of s. 501.016(8) ~~501.016(6)~~. A change of  
919 ownership does not occur within the meaning of this subsection  
920 if:

921           (a) Substantially the same stockholders form a new  
922 corporate entity;

923           (b) In the opinion of the department, the change does not  
924 effectively place the health studio under new management and  
925 control; and

926           (c) The health studio has a satisfactory complaint history  
927 with the department.

928           Section 22. This act shall take effect July 1, 2014.

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

Committee/Subcommittee hearing bill: Health Care Appropriations Subcommittee

Representative La Rosa offered the following:

**Amendment (with title amendment)**

Between lines 927 and 928, insert:

Section 22. For the 2014-2015 fiscal year, the sum of \$35,745 in nonrecurring funds is appropriated to the Department of Law Enforcement from the Operating Trust Fund for contracted services and operating capital outlay related to sealed criminal history records. To support this appropriation, funds in this amount shall be transferred from the Division of Licensing Trust Fund of the Department of Agriculture and Consumer Services to the Operating Trust Fund of the Department of Law Enforcement.

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7051 (2014)

Amendment No. 1

18  
19  
20  
21  
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T I T L E A M E N D M E N T

Remove line 52 and insert:

501.015, F.S.; conforming cross-references; providing an  
appropriation; providing

**Water Projects Funding  
Requests**

<b>Project Title</b>	<b>County</b>	<b>Amount Requested</b>
City of Archer Wastewater Project	Alachua	\$5,000,000
Tumblin Creek Trash Trap	Alachua	\$396,357
Maccleddy Stormwater Sewer Overflow St. Mary River Trib.	Baker	\$850,000
County Road 388 Force Main	Bay	\$2,500,000
North Bay State Rd 77 and County Rd 2300 Reuse line	Bay	\$3,250,000
North Bay Wastewater Collection System Improvements	Bay	\$2,220,000
Bayfront Community Stormwater Improvements	Brevard	\$500,000
City of Rockledge Septic Tanks Elimination	Brevard	\$1,500,000
Indian River Lagoon Oyster Restoration Project	Brevard	\$410,000
Source Reduction and Legacy Load Remediation of Muck in the Indian River Lagoon, Brevard County	Brevard	\$887,029
C-51 Reservoir Water Supply Expansion	Broward	\$1,000,000
City of Miramar Historic Drainage System Improvement Project	Broward	\$1,000,000
City of West Park S.W. 40th Ave. Drainage & Infrastructure Improvements	Broward	\$500,000
Coconut Creek Lift Station Rehabilitation Project	Broward	\$185,000
Coconut Creek Sewer Manhole Rehabilitation Project	Broward	\$75,000
Coconut Creek Sewer Pipe Rehabilitation Project	Broward	\$50,000
Coconut Creek Stormwater System Cleaning and Repair	Broward	\$500,000
Coconut Creek Stormwater System Relining and Upgrades	Broward	\$100,000
Coconut Creek Swale Restoration Project	Broward	\$150,000
Cooper City Replacement of Asbestos-Cement Water Mains	Broward	\$420,800
Coral Springs Infiltration and Inflow	Broward	\$1,000,000
Coral Springs Stormwater Improvement	Broward	\$130,000
Deep Injection Wells for RO Expansion	Broward	\$2,730,000
Floridian Wells Installation	Broward	\$5,500,000
Hallandale Beach Three Islands Reuse Irrigation	Broward	\$240,000
Irrigational Reuse Distribution System	Broward	\$1,000,000
Lauderdale Lakes Canal System Conveyance and Water Quality	Broward	\$1,142,169
Margate Sewer Piping Rehabilitation	Broward	\$400,000
Pembroke Park SW 31st Avenue Drainage Project	Broward	\$450,000
Pembroke Pines Advanced Biosolids Treatment	Broward	\$3,750,000
Pompano Beach Reuse/Reclaimed Water System Expansion to Serve NE	Broward	\$1,350,000
Southeast Fort Lauderdale Neighborhood Tidal Valve & Stormwater	Broward	\$1,000,000
Southwest Ranches Interconnect Drainage	Broward	\$2,735,000
SW 54th Place Drainage	Broward	\$75,000
Tamarac 57th Street Stormwater Project	Broward	\$1,474,871
Topeekeegee Yugnee Park Reclaimed Water System	Broward	\$92,600
Town of Davie Eastside Infrastructure Improvement	Broward	\$5,000,000
West Park Citywide Drainage Improvements	Broward	\$350,000
West Park Preparation of Retention Pond for Development	Broward	\$931,202
Altha Water System Improvements	Calhoun	\$200,000
Reverse Osmosis Water Treatment Plant and Brackish Groundwater Supply Project	Charlotte	\$7,000,000
Revitalize Impaired Waters of Charlotte Harbor East & West Spring Lakes	Charlotte	\$1,000,000
Ft. Island Trail Sewer Expansion Ph1	Citrus	\$400,000



Project Title	County	Amount Requested
Green Cove Springs Advanced Wastewater Treatment Plant Upgrades and Expansion	Clay	\$10,000,000
Harbor Road Advanced Wastewater Treatment Plant Upgrades and Expansion	Clay	\$850,000
Regional Wastewater/Reclaimed Water Treatment Facility for Southeastern South WWTF BNR Upgrades	Clay	\$25,000,000
Cannon Creek Stormwater Treatment and Flood Abatement	Columbia	\$1,500,000
I-75 / SR 47 Septic Tank Elimination Project - Phase I	Columbia	\$5,000,000
Removal of Private Wastewater Treatment Plan - Lift Station & Force Main	Columbia	\$600,000
DCI Wastewater Treatment	DeSoto	\$275,000
Lake Suzy Wastewater Treatment System Improvements	DeSoto	\$450,000
Peace River Facility Treatment Capacity Expansion - Phase I	DeSoto	\$1,500,000
Peace River Facility Treatment Capacity Expansion - Phase II	DeSoto	\$2,000,000
US 17 Utility Line Extension	DeSoto	\$1,500,000
Jacksonville US 1 Corridor Utility Improvements	Duval	\$500,000
Bayou Chico (Pensacola Bay) BMAP Water Quality Project	Escambia	\$1,000,000
Escambia Bay Polychlorinated biphenyl (PCB) Remediation	Escambia	\$600,000
Fannie/Campbell Road Waterline Improvements	Escambia	\$673,782
Perdido Seagrass Restoration and Kids Snorkeling Environmental Education Area	Escambia	\$500,000
Mala Compra Basin Phase I Stormwater Retrofit	Flagler	\$1,000,000
Palm Coast Iron and Color Reduction, Concentrate Treatment	Flagler	\$375,000
Blountstown Wastewater Improvements and Expansion	Gadsden	\$5,000,000
Chattahoochee Water Improvements	Gadsden	\$400,000
Gretna Circle Dr Improvements	Gadsden	\$100,000
Gretna Water System	Gadsden	\$350,000
Midway Sewer Project - Phase I	Gadsden	\$1,878,000
Quincy Magnolia Forest Sewer	Gadsden	\$1,170,000
Quincy WWTP Biosolids Dewatering	Gadsden	\$564,488
Rosedale Water System Improvements	Gadsden	\$375,000
Water Supply Well #5	Gadsden	\$500,000
Glades County Stormwater Improvements	Glades	\$600,000
Glades County Wastewater Improvements	Glades	\$650,000
Moore Haven Stormwater Conveyance and Improvements	Glades	\$500,000
Altman Water Main Extension/Loop	Hardee	\$123,735
Hanchey Water Main Extension/Loop	Hardee	\$11,290
Hardee County Regional Wastewater Service Improvements Project 3.0a	Hardee	\$250,000
Hardee County Regional Wastewater Service Improvements Project 3.0b	Hardee	\$250,000
Hardee County Regional Wastewater Service Improvements Project 3.0c	Hardee	\$250,000
Riverview Water Main Loop	Hardee	\$37,103
Stenstrom Water Main Extension/Loop	Hardee	\$49,827
Water Line Replacement - S 1st Ave, Green, MLK & Summit Area	Hardee	\$950,000
Water Line Replacement - S 7th, W Main, Florida & Louisiana	Hardee	\$1,100,000
West Main Water Main Extension/Loop	Hardee	\$52,229

<b>Project Title</b>	<b>County</b>	<b>Amount Requested</b>
Oakley Island Sewer	Hernando	\$717,800
Pine Island Sewer	Hernando	\$2,135,960
City of Sebring Interconnect / Country Club of Sebring	Highlands	\$1,805,287
Stormwater Treatment Area Facility	Highlands	\$415,999
Cypress Creek Wellfield Surface Water Improvements project	Hillsborough	\$432,500
North Tampa Potable Water System Improvements	Hillsborough	\$500,000
Palm River Water and Sewer Expansion	Hillsborough	\$25,000,000
EGRET Marsh Stormwater Park Harvest Screen Upgrade	Indian River	\$175,000
IRC-Lagoon Saver (N Sebastian Area)	Indian River	\$2,500,000
IRC-Lagoon Saver (Summerplace)	Indian River	\$1,725,294
IRC-Lagoon Saver (West Wabasso Phase II)	Indian River	\$1,500,000
Alford Wastewater Extension	Jackson	\$4,756,618
Blue Springs Springshed Infrastructure Improvement Project	Jackson	\$1,000,000
Marianna Pennsylvania Avenue Water Main	Jackson	\$665,000
Marianna Water Distribution System Rehab	Jackson	\$1,425,000
Sneads Stormwater Project	Jackson	\$2,841,452
Monticello Water Tower Rehabilitation	Jefferson	\$125,000
City of Tavares Stormwater Retrofits - Urban Structural Best Management Practices - Habitat Restoration	Lake	\$1,500,000
Lady Lake Septic Tank Abatement Program, Phase 1	Lake	\$2,500,000
South Lake Regional Water Initiative	Lake	\$300,000
Alico Road Phase 2 Force Main	Lee	\$761,250
Nalle Grade Stormwater Park	Lee	\$1,000,000
Palmona Park Water Quality Improvement Project	Lee	\$300,000
Reclaimed Water Transmission Main Caloosahatchee River Crossing	Lee	\$900,000
Spanish Creek Restoration	Lee	\$100,000
City of Tallahassee 4th Avenue Drainage Improvements	Leon	\$510,000
City of Tallahassee Red Arrow Abatement Project	Leon	\$435,000
Lake Bradford Estates MHP Sewer	Leon	\$1,000,000
Lake Henrietta Trash Rack	Leon	\$350,000
Leon County Septic to Sewer Project	Leon	\$1,000,000
Robinson Road Flood Relief	Leon	\$350,000
Woodville Master Pump Station and Force Main	Leon	\$500,000
Bristol meter replacement	Liberty	\$350,000
Bristol Water System Improvements	Liberty	\$450,000
Hosford Water System	Liberty	\$822,000
Lake Mystic Water System Extension	Liberty	\$830,000
Southwest Water Reclamation Facility Class V Recharge Well	Manatee	\$1,500,000
Algal Treatment Nitrate Reduction Facility Pilot	Marion	\$58,000
Lake Stafford East/Priest Prairie Drain Watershed Management Plan	Marion	\$61,000
Lower Floridan Aquifer Well	Marion	\$750,000
Ocala Nitrogen Reduction by Septic Tank Removal	Marion	\$475,000
Ocala Reclaimed Water Line Enhancement and Installation	Marion	\$475,000
Silver Springs Protection Stormwater Nutrient Reduction	Marion	\$1,950,000
Silver Springs Wastewater Package Plant Removal	Marion	\$1,154,325
Smith Lake Stormwater Retrofit	Marion	\$65,000
Surface Water Reservoir Feasibility Study	Marion	\$200,000

Project Title	County	Amount Requested
Water Reclamation facility #2 Nitrogen Removal _Compliance with FDEP TMDL Process Requirements	Marion	\$1,900,000
Watershed Management Program - Silver Springs Springshed	Marion	\$802,500
St. Lucie River and Indian River Lagoon Issues Team	Martin	\$6,499,441
Ali Baba Improvements (NW 22nd Ave To Opa-Locka Blvd)	Miami-Dade	\$2,800,000
Bay Harbor Water Main Replacement and Relocation	Miami-Dade	\$200,000
Cairo Lane - NW 135 Street To NW 127th Street Canal	Miami-Dade	\$750,000
City of Aventura NE 29 Pl South Drainage Improvements	Miami-Dade	\$350,000
City of Doral Stormwater Improvements	Miami-Dade	\$1,000,000
City Of West Miami Water Improvement Project	Miami-Dade	\$500,000
Coral Gables Comprehensive I&I Program	Miami-Dade	\$589,468
Cutler Bay Academy of the Advanced Studies, Centennial Campus	Miami-Dade	\$400,000
Florida City Farmers Market Alternative Water Supply Project	Miami-Dade	\$231,379
Florida City Krome Avenue Alternative Water Supply Project	Miami-Dade	\$111,475
Gateway Park Drainage & Improvements	Miami-Dade	\$250,000
Highland Village Improvements	Miami-Dade	\$1,908,000
Key Biscayne Outfall Improvement Project	Miami-Dade	\$175,000
Little River (C-7 Canal) Seawall Remediation	Miami-Dade	\$5,000,000
Miami Beach Force Main	Miami-Dade	\$500,000
Miami Beach Water Line Replacement	Miami-Dade	\$500,000
Miami Gadens Vista Verde Stormwater Drainage Project - Phase #2	Miami-Dade	\$320,225
Miami Gardens Neighborhood Stormwater Swale Re-Grading Project	Miami-Dade	\$10,000
Miami Gardens NW 195/204 Street Stormwater Drainage Project	Miami-Dade	\$75,000
Miami River Commission	Miami-Dade	\$150,000
Miami Shores Village Downtown Water Main Replacement	Miami-Dade	\$250,000
Miami-Dade Ocean Outfall Nutrient Reduction Compliance Project	Miami-Dade	\$1,000,000
Miami-Lakes Canal Bank Stabilization Project	Miami-Dade	\$1,000,000
NE 29 PL North Stormwater Drainage Improvements	Miami-Dade	\$425,000
North Bay Village Storm Water Quality Improvements	Miami-Dade	\$800,000
North Miami Beach 163rd Street (SR826) Business District Sewering	Miami-Dade	\$459,500
North Miami Beach 19th Avenue Business District Sewering	Miami-Dade	\$237,500
North Miami Gravity Sanitary Sewer Improvement	Miami-Dade	\$500,000
NW 127th Street - Cairo Lane To NW 32 Avenue	Miami-Dade	\$500,000
Opa-Locka 147th Street - NW 22 Avenue To NW 27 Avenue	Miami-Dade	\$2,240,000
Pinecrest Waterline Extension Project Phase III	Miami-Dade	\$1,500,000
Point Royale Section 5 Sub- Basin	Miami-Dade	\$400,000
Potable Water System Improvements	Miami-Dade	\$875,099
Sanitary Sewer System Improvements	Miami-Dade	\$850,250
Storm Water System Improvements	Miami-Dade	\$721,018
Stormwater and ADA improvements NW 40 Street	Miami-Dade	\$525,000
Stormwater Improvement Project 38 Street	Miami-Dade	\$200,000
Stormwater Improvements NW 34 Avenue-Alexandria Drive - South From NW 135 Street	Miami-Dade	\$1,200,000
Sub-Basin 10 Drainage Improvements	Miami-Dade	\$365,000
Sunny Isles Beach 174th Street Drainage & Improvements	Miami-Dade	\$650,000
Surfside Emergency Seawall Repair - 88th St & Carlyle	Miami-Dade	\$37,500
Town of Medley Flood Mitigation Area South	Miami-Dade	\$1,300,000

Project Title	County	Amount Requested
Tressler Street Drainage Improvements	Miami-Dade	\$325,000
Twin Lakes Drainage Project	Miami-Dade	\$100,000
Village of Biscayne Park Stormwater Master Plan	Miami-Dade	\$125,000
Village of El Portal Drainage Improvements Project	Miami-Dade	\$2,000,000
Wagner Creek/Seybold Canal Restoration Project	Miami-Dade	\$5,000,000
West Lakes Drainage Improvements Phase II	Miami-Dade	\$500,000
Florida Keys Wastewater Improvements	Monroe	\$50,000,000
Gravity Sewer Rehabilitation on Okaloosa Island and Ocean City_Wright	Okaloosa	\$450,000
Lake Pippin Area Sanitary Sewer	Okaloosa	\$2,000,000
Okaloosa Island Water Supply	Okaloosa	\$600,000
City of Okeechobee Stormwater Conveyance/Retrofit & Water Quality Project	Okeechobee	\$450,000
Okeechobee (OUA) Wastewater Site & System Treatment Improvements	Okeechobee	\$350,000
Okeechobee (OUA) Water System Improvements	Okeechobee	\$300,000
Okeechobee County East-West Conveyance Flowway Water Quality & Water Quantity Project	Okeechobee	\$750,000
Okeechobee Pine Ridge Park Wastewater System Improvements	Okeechobee	\$300,000
Okeechobee Pine Ridge Park Water Systems Improvements	Okeechobee	\$300,000
East Orange County Quantity / Quality Upgrade	Orange	\$2,000,000
Lake Killarney Sediment Inactivation	Orange	\$200,000
Lake Price Water Quality Pond	Orange	\$300,000
Lake Weston Curb Inlet Baskets	Orange	\$140,000
Little Egypt Septic to Sewer Conversion Project	Orange	\$2,000,000
Malcolm Road Minimized Impact Project	Orange	\$750,000
Martha-Burkett Curb Inlet Baskets	Orange	\$90,000
Nutrient Treatment Enhancement at the Conserv II WRF	Orange	\$400,000
Oakland Regional Wastewater Project	Orange	\$3,010,000
Wekiwa Springshed Alternative Water Supply	Orange	\$700,000
Lake Toho Restoration Initiative	Osceola	\$3,500,000
Shingle Creek Watershed Basin	Osceola	\$500,000
Avenue O Stormwater Improvement	Palm Beach	\$212,500
City of Belle Glade NW Avenue H Storm Water Improvements	Palm Beach	\$500,000
City of Belle Glade SE Avenue K Stormwater Improvements	Palm Beach	\$500,000
City of Belle Glade SW 3rd Street Stormwater Improvements	Palm Beach	\$525,000
Lake Region Infrastructure Improvement	Palm Beach	\$2,000,000
Lake Shore Drive Drainage Improvements	Palm Beach	\$1,000,000
Lake Worth Lagoon Initiative	Palm Beach	\$2,075,000
Loxahatchee River Preservation Initiative Projects	Palm Beach	\$2,186,785
Palm Beach County Lakes Restoration Program	Palm Beach	\$1,255,000
Palm Beach County Living Shorelines Projects	Palm Beach	\$650,000
Village of Royal Palm Beach Comprehensive Stormwater Management	Palm Beach	\$250,000
West 18th Street - West 22nd Street Stormwater Improvement	Palm Beach	\$375,000
West 6th Street Stormwater Improvement project	Palm Beach	\$325,000
City of Dade City Hydrant and Valve Replacement	Pasco	\$520,000
City of Dade City Orange Valley Well	Pasco	\$713,900
City of Zephyrhills Fire Protection Water Line	Pasco	\$1,800,000

<b>Project Title</b>	<b>County</b>	<b>Amount Requested</b>
Duck Slough Thousand Oaks/Trinity Oaks BMP 6	Pasco	\$400,000
Pasco-Lacoochee/Trilby/Trilacoochee Water System Improvements	Pasco	\$500,000
Pithlachascotee-Anclote Conservation Effort (PACE)	Pasco	\$2,500,000
Clearwater Sanitary Sewer Expansion Program	Pinellas	\$552,000
Gulfport 49th Street Stormwater Retrofit Project	Pinellas	\$500,000
Park Boulevard II - Pond Improvements	Pinellas	\$87,500
Pasadena Place (PYCC) Culvert Replacement and Outfall Structure	Pinellas	\$445,000
St. Petersburg's Sustainable Biosolids to Renewable Energy Project	Pinellas	\$2,000,000
Understanding Stormwater from a Bird's Eye Perspective - 30-feet Up: Constructing Handicapped Accessible Nature Observation Tower and Education Pavilion	Pinellas	\$500,000
Bartow Water Reclamation Facility (WRF) Improvement for Regional Wastewater Treatment	Polk	\$4,130,000
City of Winter Haven Aquifer Winter Haven Aquifer Recharge/ LID Project	Polk	\$120,000
Polk Regional Water Supply Development/Frostproof Water CIP Implementation	Polk	\$2,400,000
Teneroc Water Supply & Easement	Polk	\$250,000
East Putnam County Centralized Wastewater System	Putnam	\$750,000
Deadman's Island Restoration Project	Santa Rosa	\$850,000
East Milton Water Reclamation Facility Reclaimed Water	Santa Rosa	\$10,600,000
Dona Bay Ecosystem Restoration Project - Phase I	Sarasota	\$1,500,000
Warm Mineral Springs - Study of Health and Hydrology	Sarasota	\$50,000
Alternative Water Supplies	Seminole	\$1,500,000
City of Casselberry Conversion of Deer Run Golf Course from Potable Water	Seminole	\$1,200,000
City of Casselberry Septic Tank Elimination Project	Seminole	\$1,200,000
City of Casselberry Water Reclamation Facility Nutrient Reduction, Energy Efficiency and Renewable Energy Project	Seminole	\$5,360,000
Nutrient Reduction at Lake Jesup and Lake Monroe Watersheds	Seminole	\$700,000
Water Resources - Potable Water Quality/Quality a Critical Asset for Florida's Future Growth	Seminole	\$2,800,000
City of Bushnell Sumterville Plant Water Quality Improvement	Sumter	\$1,135,500
Branford Sewer Plant Improvement Project	Suwannee	\$200,000
Suwannee County US 90 - Interstate 10 Interchange	Suwannee	\$1,173,100
Wastewater Project - Steinhatchee Septic Tank Elimination	Taylor	\$400,000
Cambridge Canal Stormwater Improvements Phase II	Volusia	\$647,500
Deep Creek-Leffler Water Supply	Volusia	\$920,000
Halifax River Subaqueous Sewer Line	Volusia	\$6,800,000
Lakeview Mobile Home Park Stormwater Pump	Volusia	\$25,000
Lantern Park Stormwater Protection	Volusia	\$100,000
North Peninsula Central Sewer	Volusia	\$1,110,275
South East Volusia Wastewater System Expansion	Volusia	\$14,800,000
Griener's Addition	Wakulla	\$2,100,000
Magnolia Gardens Wastewater	Wakulla	\$2,270,000
Panacea Sewer and Stormwater	Wakulla	\$6,000,000
Regional Storm Water Facility - Crawfordville	Wakulla	\$20,000,000
Sopchoppy Storm Water	Wakulla	\$2,000,000

Project Title	County	Amount Requested
Testing and Repair Otter Creek Collection System	Wakulla	\$800,000
Wakulla Gardens Wastewater	Wakulla	\$2,270,000
Wakulla Spring Watershed	Wakulla	\$1,380,300
WWTF Modifications Establishing a Public Acces Reuse Option	Wakulla	\$1,000,000
DeFuniak Springs Sewer Rehab Project	Walton	\$6,075,000
DeFuniak Springs Water Main Replacement	Walton	\$417,498
<b>TOTAL</b>		<b>\$443,403,180</b>